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Senate

The Senate met at 10 a.m. and was called to order by the Honorable JOHN E. WALSH, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, You are our God. We earnestly search for You, the source of our hope and the center of our joy. Enable our Senators to gaze upon Your power and experience Your glory. Lord, encourage them with Your precepts that provide light for the dark road ahead. Answer their prayers and arm our lawmakers with Your might, giving them reverential awe that will keep them from evil. Strengthen them to be faithful during life's crises as well as the routine of daily duties. O God, we belong to You. Crown our years with the bountiful harvest that Your mercy provides.

We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 10, 2014.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. WALSH, a Senator from the State of Montana, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Mr. WALSH thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

TERRORISM RISK INSURANCE PROGRAM REAUTHORIZATION ACT OF 2014—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 438, S. 2244, the Terrorism Risk Insurance Act.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 438, S. 2244, a bill to extend the termination date of the Terrorism Insurance Program established under the Terrorism Risk Insurance Act of 2002, and for other purposes.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that at 11:45 a.m., the Senate resume consideration of S. 2363, the Bipartisan Sportsmen's Act, and the Senate proceed to vote on the motion to invoke cloture on the bill; further, that notwithstanding rule XXII, following the cloture vote, the Senate proceed to executive session, as provided under the previous order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican leader, there will be a period of morning business until 11:45 a.m. today, with Senators permitted to speak for up to 10 minutes each during that time, with the time equally divided and controlled between the two leaders or their designees. At 11:45 a.m. there will be a cloture vote on the Bipartisan Sportsmen's Act, as we just had approved by the Chair. The filing deadline for all first-degree amendments to S. 2363 is 10:30 a.m. this morning and the deadline for second-degree amendments is 11:30 a.m. this morning.

Following the vote, the Senate will turn to executive session to consider the nominations of Shaun Donovan to be Director of the Office of Management and Budget, Douglas Silliman to be Ambassador to the State of Kuwait, and Dana Smith to be Ambassador to the State of Qatar. At 2 p.m. the Senate will proceed to vote on confirmation of the nominations in the order listed. I expect a rollcall vote on the Donovan nomination and voice votes on the Silliman and Smith nominations.

NOMINATIONS

Mr. President, I was late coming in here today because I just completed a conversation with John Kerry, the Secretary of State of our country. Because of his travel schedule and my schedule and the time difference, it has been difficult for us to talk the last 24 hours, but we were able to speak as he was rushing to an airplane, going from China to Afghanistan. He called me to lament what is going on in the U.S. Senate about these nominations. He has 53 State Department nominations pending—53.

We have problems all over the world. We have the Afghan war. We have the problems with Pakistan. We have the Middle East, which every country there is in some form of difficulty. We have a problem in the Far East—all kinds of problems there. It is all over the news today. We have the situation in Israel. The Palestinians—rocket fire coming from Palestine; nondirected missiles, similar to the Fourth of July. They set them off. They don't know or care where they go. And we are being held up here as a country from doing the

country's work as a result of this stalling, this obstruction, the constant filibusters we have in the Senate.

We have these Ambassadors who have worked their entire lives. They are brilliant. It is hard to be a Foreign Service officer, but these men and women work very hard all over the world. They dignify our country. Then they work their way up to make it to this ''Super Bowl.'' They are selected to be an ambassador, and do you know what happens? They get stalled here—stalled. Who are the Republicans hurting? They are not hurting me. Is this some payback for me? What about the President? He has a country to run, a world to take care of, and we are being held up here. I truly appreciate today. We get two ambassadors. We only have 27 more to go, plus all the other State Department people.

The Secretary of State is a very busy man. He has been trying for 24 hours to tell me how bad the situation is around the world. He does not have people to do this country's work. Twenty-five percent of the Ambassadors in Africa are not there.

So I do not understand this. They want to hold up some of the President's nominations to be Assistant Secretary of this or Deputy Secretary of that. It is unfair. But that is fine. What they are doing to these Ambassadors is outrageous.

MEASURES PLACED ON THE CALENDAR—S. 2578 AND S. 2579

Mr. REID. Mr. President, I understand there are two bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bills by title for the second time.

The legislative clerk read as follows:

A bill (S. 2578) to ensure that employers cannot interfere in their employees' birth control and other health care decisions.

A bill (S. 2579) to require the Secretary of State to offer rewards totaling up to $5,000,000 for information on the kidnapping and murder of Naftali Fraenkel, a dual United States-Israeli citizen, that began on June 12, 2014.

Mr. REID. Mr. President, what is the name of the legislation S. 2578?

The ACTING PRESIDENT pro tempore. ''To ensure that employers cannot interfere in their employees' birth control and other health care decisions.''

Mr. REID. Mr. President, I object to any further proceedings with respect to both of these bills.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bills will be placed on the Calendar.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

HELPING THE MIDDLE CLASS

Mr. MCCONNELL. Mr. President, the ongoing humanitarian crisis at the border seems to be getting worse by the day. Large numbers of foreign nationals are unlawfully entering our country, and it is mainly due to the administration's failure to enforce immigration laws and secure the border.

This is a real crisis. So we are taking a hard look at the proposal the President sent over, but we want to make sure we actually get the right tools to fix the problem, and that is not what we have seen so far from the President. What he appears to be asking for is a blank check—one that would allow him to sustain his current failed policy.

Last night in a speech that attempted to shift the blame from his failed approach, he doubled down on a blank check, which is what he has asked for. He led Americans to believe that the problem could be solved if only Congress would pass his last-minute request, but it is not that simple. Much more needs to be done, and the President certainly knows it. His original letter to Congress called for reforms we all know are needed to address the crisis. Under pressure from the left, he has since backed away from these critical reforms, but lawmakers in both parties have not. So he needs to work with us to get the right policy into effect, not just throw money at the problem—get the right policy into effect.

He needs to halt this endless campaigning, at least for a moment. With the President actually in the region right now, one would think he would be able to carve out just a few minutes to view the situation on the border for himself. Apparently, though, he has decided there are more important things to do—such as campaigning with Gary Hart and practicing his bank shot.

All this continues to make the President look detached from the ongoing crisis on the border. Even a Democratic Congressman has called it ''bizarre.'' Honestly, this is just the latest example of a much broader pattern he has displayed, a pattern that makes him appear disconnected from the day-to-day concerns of most Americans.

The fact is on issue after issue—but especially on issues affecting the middle class—instead of addressing the huge problems his policies have created, the President keeps retreating into the bubble with his favorite left-wing pals—the kind of folks who always tell him what a great job he is doing, and of course that is what they do. Unlike most Americans, these are not generally the kinds of people who worry about car payments or utility bills or tuition or medical costs.

When the President does try to prove he is willing to listen to the concerns of average Americans—as he did this week—it is usually little more than a photo-op. But if the President is truly serious about helping the middle class, he will stop trying to convince everyone of that. He will join Republicans to actually do something about it because we have been asking him to join us for a long time now. It is about time he took us up on the offer.

We have already introduced a number of bills aimed squarely at addressing the squeeze our constituents are feeling. One of our bills would restore the 40-hour workweek and reverse a pay cut that is built into ObamaCare. Others would do things such as increase educational opportunities and put an end to policies that prevent women from getting pay raises when they outperform their male colleagues.

One bill I introduced with Senator AYOTTE—the Family Friendly and Workplace Flexibility Act—would allow workers to take time off as a form of overtime compensation. It is an idea that is tailored to the needs of our modern workforce. It is something a lot of working men and women say they want, and there is no reason not to provide a little more flexibility to working families.

Another bill I introduced would reduce the cost and hassle of childcare for working parents by allowing them to write off a home office, even if they happen to have a crib in the room. Current law prevents working moms and dads from taking that deduction if they care for a child while working at home. This is simply unfair.

Making that change is just common sense, and so are all of the bills we have introduced.

Our middle-class agenda is not built around creating massive government bureaucracies or taking from one struggling neighbor to give to another. It is about identifying smart, commonsense fixes that can have a significant impact on the lives of the people we represent—middle-class Americans who have never felt more squeezed.

There is no reason the President and his Democratic allies should not be able to embrace such commonsense ideas too. Unfortunately, President Obama's Democratic majority in the Senate has blocked just about everything we have proposed—just as they blocked the dozens of bills that have already passed the House of Representatives.

As just about everyone acknowledges at this point, the Democratic-run Senate has become the place where good ideas go to die. The Democratic leadership will not even listen to its own Members anymore. So it is no wonder that one Democratic Senator remarked that he has never experienced a less productive time in his life than right now in the Senate. That was a Democratic Senator saying that—never experienced a less productive time in his life than right now in the Senate.

Well, it is time for Washington Democrats to stop obstructing jobs and opportunity for the middle class. They need to understand that their powerful pals on the left will continue doing just fine in the Obama economy. It is time to stop worrying so much about them and to start paying more attention to the vast American middle class, to the people who feel Washington has not been listening to them over the past few years.

I am talking about people whose wages are stagnant, people who are either unemployed or cannot find work

to match their skills, and people who feel the burden of outdated policies that are diminishing opportunities in the workplace and leaving them torn between the demands of work and family.

Republicans are committed to doing everything we can to deliver relief and innovative new ideas to help these Americans. I hope President Obama and Washington Democrats will at some point here finally join us in the effort.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 11:45 a.m. with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided between the two leaders or their designees.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENZI. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SPORTSMEN'S AMENDMENTS

Mr. ENZI. Mr. President, we are back for another week of work, but the playbook hasn't changed.

Once again the majority leader has prevented 98 Senators from offering amendments to improve a bill he chose for us to debate. I would like to speak for a few moments about some of the amendments the Democratic leader prevented us from voting on this week.

First, I have been working on amendments with Senators BENNET, FLAKE, RISCH, SESSIONS, and THUNE to allow bows and archery equipment to be transported through the national parks. This bipartisan effort is necessary because some bow hunters need to travel across national parks to get to land where they intend to hunt.

It is also important for our archery competitors who currently have to go out of their way to avoid national parks to get to their tournaments. A lot of people don't realize that Yellowstone National Park, which is in the upper left-hand corner of Wyoming, is about the size of Connecticut. To get to Idaho, sometimes you have to go 250 miles out of your way if you can't go through the park. There is a lot of competition between Wyoming and Idaho when it comes to archery and vice versa. The same can happen getting into Montana.

This is just a commonsense amendment because it provides parity for bows and firearms. In 2009 Congress passed a law to prevent the right of individuals to bear arms in units of the national park system and the National Wildlife Refuge System. This body considered it a commonsense provision before. Language on this issue was included in the Sportsmen's Act of 2012, S. 3525, but now the Senate won't even get a chance to vote on whether to add this language to the Bipartisan Sportsmen's Act of 2014. This is the appropriate place for sportsmen's issues to be brought up.

Second, I offered an amendment with Senators LEE and THUNE to ensure that those traveling with a properly secured knife are not prosecuted under local or State laws which banned certain knives. This amendment is necessary because there is a broad patchwork of State and local laws regulating knife possession.

For example, 36 States allow civilian possession of automatic knives to varying degrees. But there are no restrictions at all in 22 States, and in some States possession is a serious crime. This can be incidental, again, just passing through a State.

The current situation with knives is similar to the circumstances that existed for gun owners before the passage of the Firearm Owners Protection Act of 1986. That law protects law-abiding gun owners from an inconsistent patchwork of laws, and my amendment provides parity between knife and gun owner. This commonsense amendment uses language similar to that used in the 1986 law.

I have also filed an amendment with Senators BARRASSO, CRAPO, HATCH, LEE, MURKOWSKI, and RISCH to require the Department of Interior to suspend for 10 years the listing decision in States with approved or endorsed sage-grouse management plans. Wyoming has an endorsed and an approved plan, and sage-grouse is coming back. A new report on numbers just showed an increase. The amendment allows States to manage and conserve sage-grouse in a manner that protects their jurisdiction over State wildlife and takes into account local stakeholders.

I believe it is related to the underlying bill because of the substantial impact a sage-grouse listing would have on sporting and recreation in Western States. Incidentally, even though they say there is a sage-grouse problem, the bag limits for hunting them have not gone down.

I have also cosponsored some amendments that would improve this bill. One of these amendments by Senator BARRASSO would prevent the EPA from regulating all bodies of water—even ones that are dried up, even ones that are seasonal—no matter how small and regardless of whether the water is on public or on private property.

Mark Twain once said: ''[In the West] Whiskey is for drinking; Water is for fighting over.''

So for States such as Wyoming, water is scarce, and we try to save every drop. One-size-fits-all Federal control like the EPA wants to impose won't work, but Senator BARRASSO won't get a vote on his amendment.

Another amendment by Senator WICKER, which I have cosponsored, would allow folks to carry firearms on Corps of Engineers recreational property. This is another parity amendment. But in this case, we would allow law-abiding gun owners to carry firearms on Corps land just as they can carry firearms on national park and National Wildlife Refuge lands, but Senator WICKER won't get a vote on his amendment.

I am also supporting an amendment from Senator TESTER to make cabin user fees more affordable and predictable, allowing families to keep their cabins on Forest Service land on which some have been for generations. Wyoming cabin owners shouldn't have to worry about the Forest Service trying to drive them off with ever-increasing fees—sometimes a 300-percent increase in a single year.

Incidentally, the Federal Government pays taxes in lieu of private ownership of the land. Those don't go up by 300 percent. It seems to me that if the value of the land went up by 300 percent, the Federal Government's payment in lieu of taxes would go up by the same amount. It doesn't happen. Wyoming cabin owners shouldn't have to worry about the Forest Service trying to drive them off with ever-increasing fees.

This amendment provides a consistent, fiscally responsible formula for how the fees are calculated so families can spend more time enjoying the outdoors instead of worrying about the uncertainty of next year's fees, but Senator TESTER won't get a vote on his amendment.

These aren't the only good amendments to this bill. There have been 80 amendments filed on this bill—about a third filed by the majority party. Many of the amendments are bipartisan, but it sounds as if only the one chosen by the majority leader is going to get a vote.

I am sad to say no one should be surprised by this because it has become par for the course. In 2005 and 2006 the Senate voted on almost 700 amendments on the Senate floor. In 2011 and 2012 it was about half that, around 350 amendments. In the past year the majority leader has allowed only 11 Senate Republican amendments. Let me repeat that. In the past year the majority leader has allowed votes on only 11 Senate Republican amendments. Over that same period of time the House has voted on 169 Democratic amendments. How can the House, which has more constraint than the Senate, have that many more votes for the minority party—169 to our 11? The majority

party in the Senate isn't faring any better. I am told the majority leader has only allowed his own party to have seven amendments voted on since July of last year. In fact, my friends on the other side of the aisle haven't gotten a vote on one of their amendments in over 100 days—and they are in control.

To prevent us from offering amendments, the majority leader has used a tactic called filling the amendment tree. In the last 8 years he has used this tactic 90 times. By comparison, the last six majority leaders combined only filled the tree 40 times in over 16 years. So the last 8 years, 90 times; the previous 16 years, 40 times.

Almost half of the Senate has been here less than 6 years. Forty-five of the 100 Senators are in their first term, so they may think this is the way the Senate does business. I say to those Senators, there is a better way. We need to be able to vote on amendments. We need the bills to go to committee. We need to have bills come to the floor. We need amendments both places. All 100 Members of the Senate should have an opportunity to improve the bills we consider because each of us looks at every proposal from a different point of view and different experience. When all the decisions are made by the majority leader, the vast majority of Americans get shortchanged. This won't change unless those who are here exercise our rights.

It is time for the 99 Senators who are being denied the opportunity to represent their constituents to stand up to the leader and insist on amendments. We should all demand that we be allowed to do our jobs. That will show up in votes, and it has shown up in votes. When our side doesn't get amendments, we don't let the bill pass. We have that capability, and the minority needs that capability in order to get control of situations such as this.

We need to be able to vote on amendments. It has been the process of this body for the history of the United States, with unlimited debate in the Senate. Occasionally, when the debate has gone on for 2 or 3 days or 2 or 3 weeks, there has been the exercise we see here but not at the start of a bill so that no amendments can be voted on.

It doesn't take very long to vote if you get to vote. But what we are going through is a process of negotiations to see if the majority leader can pick the votes for the minority party. That is not right. That hasn't happened, and we don't intend to let it happen.

It is time that we have our amendments, particularly amendments that are relevant to the bill. This is the sportsmen's bill. I am talking about the right to take archery equipment through a national park. We can do that with guns, but we can't do that with bows? Some of those parks are pretty big, and you have to go 250 miles out of the way to get around them. That shouldn't be imposed on sportsmen. They ought to have the right to do that, and we are going to be denied that vote and all of the others that I mentioned this morning.

Mr. President, I yield the floor and reserve the remainder of our time.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

Mr. BOOKER. Mr. President, I rise to speak about our Nation's broken criminal justice system, a system that has taken an unimaginable and I believe unsustainable toll on our Nation.

The United States remarkably is home to between 4 and 5 percent of the entire globe's population, but we have 25 percent of the world's prison population. This phenomenon is unacceptable, that the land of the free would have 25 percent of the globe's imprisoned people. What is startling about that is the majority of those people are nonviolent offenders. In fact, the majority are nonviolent drug offenders.

This phenomenon has largely emerged since around 1980, a period during which the Federal prison population has grown nearly tenfold. Since 1980 we have seen a 10-time increase in our prison population. Again, if we were locking up violent offenders, people who are terrorizing our streets or inflicting vicious and violent harm on our communities, then ridding our streets of such dangerous criminals would be understandable and it would be a price worth paying. But that is not the story of this unbelievable explosion of our Federal prisons and our Nation's incarcerated people. The reality is that nearly three-quarters of Federal prisoners are nonviolent and have no history of violence whatsoever.

What is worse and what is anguishing is that once they are convicted of a crime, American citizens then face daunting obstacles to successfully rejoin society, to being able to raise their family, put food on the table, provide for themselves. As a result of that, our State and Federal prison exits have now become revolving doors, with two of every three ex-offenders getting rearrested within 5 years. Two-thirds of those nonviolent folks leaving our prisons come back within 5 years.

When ex-offenders return to prison again and again, they are not just paying a price; we all are paying the price. We are contributing so much of our national treasure to rearresting the same people over and over, to reincarcerating the same people over and over. A recent Pew report concluded that if just 10 States cut their recidivism just 10 percent, it would save taxpayers $470 million—money this Nation urgently could use either to keep in the pockets of taxpayers or invest in things such as lowering the cost of college or in our roads and bridges or our crumbling infrastructure.

As hard-working, taxpaying Americans have increased the fund for our prisons, funding more and more, there have been fewer and fewer resources left for these other crucial parts of our society—fewer resources for law enforcement, fewer resources for rehabilitative programs, fewer resources for proven investments in children that help prevent crime in the first place. The result has been a cycle of spending and incarceration that has led to the ballooning of this Federal prison bureaucracy, more than one-quarter of a trillion dollars a year from our economy going to unproductive and even counterproductive uses.

Our country's misguided criminal justice policies place an economic drag on local communities and on our Nation's global competitiveness. Remember, if we are putting 25 percent of the globe's prison population in our American prisons, paying the price for that, our competitive democracies, our competitive economies aren't paying that price, we are paying this egregious price, and it is not making us any more safe. In fact, I would say it is making us less safe as a community.

Many of my colleagues in this body, I am proud to say, recognize the urgent need for reform and have already put forth pieces of legislation that seek to improve various parts of this broken system. I am grateful and I applaud the bipartisan efforts that exist in this body amongst my colleagues—Senators LEAHY, FLAKE, DURBIN, LEE, WHITEHOUSE, LANDRIEU, FRANKEN, and others—who stand up to say: We have to save taxpayer dollars, we have to elevate human potential, and we have to make our streets safer.

So to build off the momentum of these leaders in the Senate, I join with Senator RAND PAUL to introduce today the RECORD Expungement Designed to Enhance Employment—or REDEEM—Act. This bipartisan legislation will establish much needed, sensible, pragmatic reforms that keep kids out of an adult system in the first place, protect their privacy so a youthful mistake can remain a youthful mistake and not haunt young people throughout their lives, and help make it actually less likely that low-level nonviolent offenders reoffend.

Among other measures, our bill incentivizes States to raise the age of original jurisdiction for criminal courts to 18 years old. Trying juveniles who have committed low-level, nonviolent crimes as adults is counterproductive. They don't emerge from prison reformed and ready to reintegrate into a high school. The criminal record they have won't help them as they try to get a job. We need a system that treats juveniles toughly but fairly and with an eye toward a productive adulthood, with an eye toward restorative justice.

For kids in the dozen States that treat 17- and even 16-year-olds as adults, no longer would it be likely that getting into a scuffle at school would result in an adult record that could follow an individual for the rest of their life, restricting access to a college degree, limiting employment prospects, and increasing the likelihood of engaging in further criminal activity. It is time that we empower our children to succeed, not undermine their long-term prospects for life's success.

The REDEEM Act also enhances Federal juvenile record confidentiality provisions and provides for automatic expungement of records for kids who commit nonviolent crimes before they turn 15 and automatic sealing of records for those who commit nonviolent crimes after they turn 15.

It will also ban the very cruel and counterproductive practice of juvenile solitary confinement that can have immediate and long-term detrimental effects on youth detainee mental and physical health. In fact, the majority of suicides by juveniles in prisons happens by young people who are in solitary confinement. Other nations even consider it torture.

For adults, this legislation offers the first broad-based Federal path to the sealing of criminal records. A person who commits a nonviolent crime will be able to petition a court and make his or her case.

Furthermore, employers requesting a background check from the Federal Bureau of Investigation will be provided with only relevant and accurate information thanks to a provision that will protect job applicants by improving the quality of the Bureau's background check.

Think about this: 17 million background checks were done by the FBI last year, many of them for private providers, and upward of half of them were inaccurate or incomplete, often causing people to lose a job, miss an economic opportunity, and be trapped with few options to address the basic economic security that could lead someone to reoffend in order to feed a child. The REDEEM Act lifts a ban on receiving Supplemental Nutritional Assistance Program, or SNAP, benefits. These benefits were conceived in a way that should empower people when they have to leave, and those convicted of drug use or possession having paid their dues now have a path to the reinstatement of those benefits so that they can get their lives together so they can be empowered and successful.

Taken together, these measures will help keep kids who get in trouble out of a lifetime of crime and help adults who commit nonviolent crimes become more self-reliant and less likely to reoffend.

The time to act is now. We cannot afford to let our criminal justice system continue to grow at the rate that it is. We cannot afford to sap billions of taxpayer dollars from a broken system that is locking people up and then doing nothing to empower them to succeed. We are wasting human potential and human productivity. We are hurting our economy, and by trapping people without options, we often end up making our communities less safe.

We have seen how other individual States are doing things to address this issue and are actually lowering recidivism and lowering their prison population and on top of it lowering actual crime in their States. It is time that the Federal Government act to do the same.

I urge my colleagues to support the REDEEM Act so we can make our communities safer and stronger and truly be a nation that savors and values freedom and empowers its citizens to live productive, strong lives of contribution.

Mr. President, I yield the floor, and I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Republican whip is recognized.

Mr. CORNYN. Mr. President, I would ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPRING, TEXAS

Mr. CORNYN. Mr. President, before I begin my prepared remarks today I want to offer my sympathy to the community of Spring, TX. Last night in this quiet suburban area north of Houston they experienced the horrific murders of six people. It is reported that four of these people who were killed were young people. As we move forward in the days and weeks ahead I hope we will keep these victims and the community in our thoughts and prayers.

BORDER CRISIS

Mr. CORNYN. Shifting to a different part of my State where they are experiencing another type of crisis, every day this week I have come to the floor and spoken on President Obama's refusal to travel to the southern border of Texas where a humanitarian crisis continues to unfold. Those aren't just my words; those are the President's words—a humanitarian crisis.

As I have said before, the President has been in Dallas; he has been in Austin, where he spent the night last night; and he is there this morning speaking, reportedly, on the economy. Why he persists in his refusal to travel to the border really is beyond my imagination. I just don't understand it. The fact that the President has himself described it as a humanitarian crisis makes this even more strange.

People can infer whatever they want to about his potential motivations. I don't know whether it means he doesn't really understand it, whether his handlers have kept him in the bubble so much that simply the facts are not getting through to him or whether he is surrounded by political advisers who say: This is going to be a political liability for you, Mr. President. Don't travel there. If you show up and have your picture taken with these children who are traveling by the tens of thousands unaccompanied from Central America to Mexico, you will own the problem. I don't know whether that is the advice he is getting. Surely it cannot be that he doesn't care.

But I will tell you that many of my constituents—Republicans and Democrats alike—and many of my colleagues in the Congress are wondering: Why would the President show such little respect for what the communities along the border are experiencing as they try to deal with this humanitarian crisis? Why would the President show such little respect for the Border Patrol, FEMA, and other Federal actors that are trying to help these communities deal with this crisis? It just does not add up.

Since the President so stubbornly refuses to visit the border even though he is in Texas and has been there for the last 2 days, people have asked me: Well, if the President showed up, what would he see?

First of all, he would learn this crisis is in large part a product of the President's own policy judgments, particularly starting with the ICE memo in 2011, the so-called Morton memo No. 1, then the Morton memo No. 2, and then the deferred action Executive order saying that certain young people would never be returned to their country of origin but the President will act alone to defer action against them.

Then there is the continued discussion the President has here in Washington that says he wants to go even further. So I think one of the things the President would learn is that people actually pay attention to what he is saying. The impression is that he is not going to faithfully execute the law.

So the children continue to come, and they will continue to come until we fix the problem. The President has to be an important part of that solution.

As I have said before, these young children traveled through some of the most dangerous territory on the planet, because the smuggling corridors are controlled by cartels such as the Zetas and these cartels are in the business of crime—smuggling people, drugs, weapons, you name it—smuggling women for sex slavery and human trafficking. They don't really care about the human element. They care about the money. Migrants who travel across Mexico from Central America are subjected to rape and kidnapping—where they are held for ransom so their relatives will pay off the cartels to let them go and continue their journey. We don't know how many of the children that start this long journey from Central America—some 1,200 miles from Guatemala City to McAllen, TX, alone—how many of them die in the process and never make it. So the 52,000-plus so far who have been detained at our southwestern border since October are the ones who made the trip successfully. We don't know how many children and their parents have died in the process.

I do know—having traveled to Brooks County, Texas—that I have seen some of the grave sites of unknown migrants who have actually died trying to get through—to get past the Border Patrol

checkpoint at Falfurrias, for example. So I am sure, tragically, that many migrants don't make it and die in the process.

There is a powerful incentive for people to travel to the United States. Obviously, we understand people who want opportunity, people who are trying to flee violence. But the President has effectively encouraged children and their parents to make this treacherous, life-threatening journey by suggesting that he won't enforce the law. The President himself admits that even under his deferred action order—his Executive order that he issued in 2012—these children wouldn't be covered, but they come because they have the impression that they will be allowed to stay once they make it here.

The New York Times recently reported the story of one 13-year-old Honduran boy who was detained in Mexico trying to reach the United States. The Times reported that this young boy said his mother believed the Obama administration had quietly changed its policy with regard to unaccompanied minors and that if he made it across, he would have a better shot at staying. And, in fact, that is proving to be true.

So many of these children are now, because of a 2008 law, placed with relatives here in the United States who themselves may not be legally present. They are given a notice to appear for a subsequent court hearing and the overwhelming number of them never show up. Having done so, they have made it because we don't have the resources. We certainly don't have the laws on the books necessary to fill this hole that the cartels are exploiting and that is what we need to work on together as part of this supplemental appropriation to try to fix. We cannot just vote for more money when the cause of the problem that needs fixing remains unfixed.

The cartels are happy to tell parents: Yes, send your kids to America, turn them over to us, write us a check for $5,000—or whatever the amount is—and maybe they will be able to escape Central America and make it to the United States. For every one of the parents who take the cartels up on that deal, for every one of the children subjected to this horrific journey from Central America to the southern part of the United States, the cartels are making money. So as long as the hole in the 2008 law remains unfilled—and the President certainly hasn't requested we fix it, but we need to do that—we will keep spending billions of dollars, and we will continue to see the surge of unaccompanied minors continue to go up.

In 2011 there were about 6,000 unaccompanied minors detained at the southwestern border. But just since October there have been more than 50,000. So something is going on here, and this 13-year-old Honduran boy interviewed for the New York Times story said: ''Well, my mom thought President Obama was changing his policies and I would be able to stay if I made it.''

Since the President decided not to make the short trip from Austin or Dallas to McAllen, TX, I wanted to share a few stories about what I saw there when I visited. I had a chance to visit the McAllen Border Patrol station, one of the busiest and most crowded of the facilities which are trying to deal with this surge of unaccompanied minors. I met another 13-year-old boy who had just arrived from Central America. We asked him to come out of the detention cell that was so jam-packed with teenage boys that nobody even had space to lay down and sleep. I hate to think about how unhygienic those circumstances are. But this young 13-year-old boy—we asked him, through a wonderful young woman who works with me in my Harlingen general office in South Texas who asked him in Spanish: ''Where are your parents?'' He said, ''They are both dead.'' It was heartbreaking. I think the President would benefit from seeing and talking to young victims of this trafficking like this Honduran boy.

As I said, inside these facilities there are dozens of children packed into holding cells, with one toilet, that are meant for just a few people. There were young women only 15 years of age who were pregnant, some of whom already had babies that they were nursing. The babies were clothed only in diapers and sleeping on cement floors. Unless you see it for yourself, I don't think you get a full appreciation of the nature and scope of this process. That is something I think the President could benefit from.

Conditions are so bad they are housing people in a garage at the Border Patrol facility. I don't have to tell the Presiding Officer, but it is hot in Texas in July, and you can imagine what the conditions are like in that garage. There must have been 100 people basically sitting or standing on that garage floor because they simply don't have the capacity to deal with them. They simply don't have the capacity to deal with them, and they certainly don't have the capacity to deal with the numbers that are coming through.

I wish to do something that I wish the President of the United States would do in person by traveling to McAllen. I wish to thank the Border Patrol and the leadership of Chief Kevin Oaks, who has been doing a magnificent job under very difficult circumstances. I thank all of the Border Patrol—FEMA and other Federal employees—who are down there trying to help the local community and the State of Texas deal with this crisis.

Chief Oaks has maybe one of the toughest jobs on the planet these days. He is in charge of Rio Grande Valley sector. It encompasses more than 1,700 square miles in 19 Texas counties. It shares 320 river miles with Mexico and 250 coastal miles. This is the sector through which this flood of humanity is coming. They have detained 418,000 people last year alone. That number is growing, and they are mainly coming through the Rio Grande sector—418,000 people from 100 different countries.

If you go to Brooks County and look at some of the rescue beacons—they have actually put out rescue beacons. If an immigrant is so sick or suffering from exposure or dehydrated, they can hit the rescue beacon and a light will go off and the Border Patrol will rescue them. If they are at risk of losing their lives, sure, they may not want to be caught, but they would rather be caught than die due to exposure. Those rescue beacons are not just written in Spanish and English, they are also written in Chinese.

Yesterday I said I don't know a lot of Chinese speakers from Brooks County, TX. It is a small rural county. The reason that rescue beacon is written in Chinese, among other languages, is because people can come from all over the world through the southern border of Mexico into the United States. There were 418,000 people detained from more than 100 countries. Admittedly, most were from Mexico and Central America, but they also come from nations that are state sponsors of international terrorism, which is why General Kelly, the head of Southern Command, said this is a national security threat.

The President would learn more about this if he took the trouble to go to the border and talk to people such as Chief Oaks and learn of the challenges they dealing with day in and day out. They are doing the best they can, but they simply don't have the resources or the manpower to handle this influx, particularly of unaccompanied children.

I am told that because the Border Patrol has to deal with these children and make sure they are taken care of—which they should be—they are not interdicting illegal drugs coming across the border, and that should concern all of us.

I ask unanimous consent for an additional 5 minutes.

The PRESIDING OFFICER (Mr. BOOKER). Without objection, it is so ordered.

Mr. CORNYN. I thank my colleague from Maine for his courtesy.

This is something I hope my colleagues who have not spent as much time thinking about this—and that is logical because they don't come from a State contiguous to the Mexican border or Central America and South America, but they need to know the facts, that these areas are now controlled by cartels and transnational criminal organizations.

One official from the mayor's office in Ciudad Hidalgo, Mexico, reported—when talking about the cartels that control the smuggling—that in his city ''the Zetas control all trafficking, sending men to recruit women in Central America and sometimes even kidnapping migrant women riding the

buses. They sell the women to truck drivers for a night and then throw them away like unwanted scraps.''

The bottom line is there is nothing humane and nothing compassionate about encouraging people to travel through cartel-dominated smuggling routes in hopes of reaching the United States only to find out our law does not permit them to stay. There is nothing humane about that. There is nothing compassionate about that. Yet that is the impression. Nobody should be traveling to America this way and especially not young children.

This is something the President of the United States needs to see. If it is serious enough for him to call this a humanitarian crisis and ask Congress to appropriate more than $3 billion on an emergency basis to help pay for additional capacity, it is serious enough to warrant his personal attention. I just don't get it. I really don't.

I had an occasion to work with President Obama when he was in the Senate. I see him less often now that he is over in that big house on Pennsylvania Avenue, but that doesn't strike me as who he is. I wonder what in the world could be going on. Is he too wrapped up with living in his bubble? I guess all Presidents have experienced that. He needs to break out of the bubble and find out what is actually happening on the ground. At the very least, I would think the President would want to take the opportunity to say thank you to Chief Oaks, the Border Patrol, FEMA, and other Federal agencies that are trying to help local communities.

The invitation still stands. I think the President is still in Austin speaking at the Paramount Theater in my hometown where I live now, but he is talking about the economy instead of talking about this crisis. I bet the invitation still stands for him to take the short trip to McAllen and about an hour out of his day to say thank you to the Border Patrol and other Federal agencies and see for himself this unfolding—and I would say escalating—humanitarian crisis.

I thank the Chair and the Senator from Maine for his courtesy.

The PRESIDING OFFICER. The Senator from Maine.

INFRASTRUCTURE

Mr. KING. Mr. President, a few years ago Tom Brokaw wrote a brilliant and important book called ''The Greatest Generation,'' and he described our fathers and grandfathers and mothers and grandmothers and what they did for this country by coming through the searing fire of the Great Depression, fighting and winning World War II, and then rebuilding our economy in the 1950s. We owe that generation everything we have. That generation sacrificed—I have to repeat that word ''sacrificed''—on our behalf. We are literally standing on their shoulders. We are driving on the highways they built. We enjoy our freedoms because of their sacrifice in World War II and in Korea.

If Tom Brokaw writes another book about us, I don't know what it will be called, but it will not have ''greatest'' in the title. Instead of a compliment, it would be more of an epithet. We are leaving our children a gigantic national debt, crumbling infrastructure, and a changing climate that threatens their well-being and future opportunities in this country.

I rise to talk about one of those factors; that is, infrastructure. I had a great insight when I was the Governor of Maine because every year Governors go to New York to go through a ceremony of genuflecting and kissing the ring of the rating agencies in order to try to get our States a high bond rating so they will have a low interest rate on their loans. I was all prepared for my meeting with the rating agencies. I had all kinds of data about how prudent Maine was, how low our debt level was, how we paid it off in 10 years, and how low our debt level was per capita. I was in the middle of this presentation when one of the rating agency officials stopped me and said: Governor, just because you have low debt, if you are not fixing your infrastructure, that is debt just as if it is debt on the books, just as if it is dollars you owe because the infrastructure is eventually going to have to be fixed. Of course, when it is fixed, the later you do it, the more it is going to cost. That was an insight for me.

We have this sort of mental bookkeeping where we have the dollars we owe, but we don't think about a bridge being fixed as a form of debt. Yet that is exactly what we have in this country. We are handing our children a gigantic debt on all fronts because we are unwilling to pay the bills.

I had another exchange once with a fellow who was a clerk in a hardware store. This was in the early 2000s, and I said: What do you think of the tax cuts we recently passed? I was just making conversation.

He said: There haven't been any tax cuts.

I said: What are you talking about? You see it all over the news. There are all these tax cuts we just passed in Washington.

He said: No. No, we haven't passed any tax cuts.

I said: Don't you watch the news?

He said: Look, if you pass tax cuts when you are in a deficit situation, all you are doing is borrowing more money and your kids are going to have to pay for it with interest, so you are merely shifting the taxes from us to them.

I had never thought about it that way before. Of course, he was exactly right. If we cut taxes and cut expenditures at the same time, OK, that is legitimate public policy, but if we cut taxes and borrow the difference, we are just shifting the cost to the next generation, and that is what we are doing right now, today, and we are doing it on all fronts. We are doing it in our Federal debt and deficit posture, and we are doing it in our infrastructure posture.

This is going to cost all of us. The subject I am addressing—which I neglected to clarify at the beginning—is the fact that the highway trust fund goes broke in just a few weeks.

Funding from the Federal Government for highways for infrastructure around the country will decline precipitously starting in August, and around here we are about a patch, about something that will get us through 2 or 3 months or maybe 8 months, but nobody is talking about solving the problem. Everybody is talking about all of these convoluted ways to avoid the reality that we need to pay for what we do. We need to pay for our highways, for our roads, for our bridges, and right now we are not doing it.

This is really going to hurt Maine. The estimates from our Department of Transportation is that it is going to cut our highway funding in our State by 17 percent—almost 20 percent. It is particularly going to hurt if we don't do something in the next month because we have a short construction season. If we lose our funding between August and October, we have effectively lost it for the next 8 or 9 months. It is going to impair projects that are ongoing, and it is going to essentially eliminate—across the country—new highway and infrastructure projects.

By the way, if you are the head of the Department of Transportation and your funding is going to be cut, what are you going to do? You are going to maintain, not invest. Maintaining is the bare minimum, but it is not investing because investing is where we have our wherewithal to compete in a global economy.

It is very revealing to me to compare the funding levels of our infrastructure, maintenance, and investment with other countries. That is a fair comparison. It sort of tells us how we are doing. It puts it in perspective. Right now our infrastructure investment is about 2.6 percent of gross domestic product—2.6 percent of GDP. In Japan it is 5 percent and in China it is 8.5 percent. It is more than three times the level in our principal future economic competitor. They are investing, and we are disinvesting because the infrastructure is crumbling faster than we are fixing it.

The joke in Maine this winter was the potholes were so bad that instead of filling them, we were going to lower the roads. That is a joke, but it says something about the seriousness of this issue. Maine is no different than any other State. In fact, I would argue we have some of the best roads in the country, particularly given the far-flung nature of our State, but this is going to hurt us. It is going to hurt every State in the country. Yet we are around here trying to avoid talking about paying for them.

There are indirect and direct costs. Not fixing the highways is costing our drivers more than an increase in the gas tax in terms of delay, in terms of maintenance of automobiles, in terms of bent wheels from potholes.

I talked to some people from the United Parcel Service, UPS. As to their fleet nationwide, a 5-minute delay per vehicle—because of congestion, because of lack of infrastructure investment—costs that company $100 million a year—a 5-minute delay. Multiply that by everybody in the country and we are paying a high price.

The point is, we are paying a high price, but it is hidden. We do not notice it. If we increase the gas tax, everybody is going to notice that. But that is called paying your bills.

As a young man, I represented a client before the Maine legislature that was an engineering firm that was owed a bill by the State of Maine, and for some reason it had not been taken care of. I ended up appearing before the appropriations committee. This was 40 years ago. But I remember distinctly going before the committee and saying: Here is this bill and it has to be paid, and the members of the committee—by the way, the senior members were all Republicans—they looked at each other and said: We have to pay our bills. That is called governing, and right now we are not paying our bills. It seems to me that is what we have to do.

One interesting thing about the gas tax is—which, by the way, has not been increased since 1993, 21 years ago; it has fallen in value by something like 35 percent because of inflation over that period—but the interesting thing about the gas tax is, it is the only tax that is not effectively indexed. By that I mean the sales tax, which many States have—my State does—5 percent. You say: Well, that is fixed over time. It is not indexed. But it is because the value of goods to which the sales tax applies goes up over time. On a hundred-dollar tire, the sales tax, at 5 percent, is $5. But 5 years from now, that tire is probably going to cost $110, so it is going to be higher revenue. It is the same thing with the income tax. It may be at a flat level—22 percent or 15 percent or in Maine 5 or 6 percent—but incomes go up, so revenues go up proportionately to the changes in the economy.

The gas tax is a fixed number—18.4 cents. That is what it has been since 1993. It does not change at all. Do you think, Mr. President, the cost of building a road is the same today as it was in 1993—21 years ago? The answer is no.

We have to grapple with this. To me, what bothers me about this is it is part of a pattern. I started with Tom Brokaw and the ''greatest generation.'' If you think of the legacy that ''greatest generation'' left us—because they were willing to make sacrifices on our behalf—and then you say: What is the legacy of our generation? it is debt and it is crumbling infrastructure and it is the crippling of our ability to compete in a globalized economy. Shame on us.

I do not know exactly what the answer is. I do not know whether it is a gas tax, a mileage tax, a change of the tax to the wholesale level as opposed to the retail level. I do not know. But I do know that no matter what we do, and no matter how much we try to avoid it, we are going to have to pay our bills; and to not pay our bills, we have to realize, is simply passing those bills to our kids. That is unethical. It is immoral, it is wrong, and it is not what our parents and grandparents did for us.

I think we owe the same level of consideration, the same level of sacrifice, the same level of realism, the same level of paying our bills to our children and grandchildren that we have been the beneficiaries of.

So I hope, as this debate unfolds in the next several weeks, that we pay attention to the critical importance infrastructure plays in the competitiveness of our society and in the future of our children. The ''greatest generation'' built the Interstate Highway System, and we cannot even keep it maintained. That is inexcusable. It is inexcusable, Mr. President, and I am sorry to be so preachy about this, but I think this is a really important issue, and I think it goes in some ways to the heart of our politics today where we are trying to do things and accomplish things but not pay for them. The point of my comments, though, is: They are going to be paid for; it is just going to be somebody else, that is, our children and grandchildren, who are going to be paying that bill. I think we ought to stand up and pay the bills ourselves and maintain the infrastructure this country needs to compete and give the same opportunity to our children and grandchildren we were given by the ''greatest generation.''

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator from Maine withhold his suggestion?

Mr. KING. I withhold my suggestion.

The PRESIDING OFFICER. The Senator from North Carolina.

BIPARTISAN SPORTSMEN'S ACT

Mrs. HAGAN. Mr. President, in a few minutes the Senate will vote on whether to invoke cloture on the Bipartisan Sportsmen's Act of 2014—legislation I have introduced with my friend and colleague from Alaska, Senator LISA MURKOWSKI.

At a time when Washington is stuck in political gridlock, I am proud to have partnered with Senator MURKOWSKI to develop this sportsmen's package that is cosponsored by 46 of the Senators here in this Chamber—almost half of this body—19 Democrats, 26 Republicans, and 1 Independent.

We actually put politics aside to get behind a bill that benefits tens of millions of hunters, anglers, and outdoor enthusiasts across our country—a bill that protects our outdoor traditions for future generations and ensures the outdoor recreation economy can continue to support jobs and local communities in our States nationwide.

This kind of widespread bipartisan support has been virtually unheard of in these days. And not surprisingly, the list of organizations that support the Bipartisan Sportsmen's Act is equally long and diverse. More than 40 organizations that span the ideological spectrum have actually endorsed this bill.

Mr. President, I ask unanimous consent that six letters and statements of support that I have received on the Bipartisan Sportsmen's Act be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Congressional Sportmen's Foundation, Feb. 4, 2014]

CONGRESSIONAL SPORTSMEN'S CAUCUS CO-CHAIR INTRODUCES BIPARTISAN SPORTSMEN'S ACT OF 2014

WASHINGTON, DC.—Today, in a significant advancement for sportsmen and women across the country, members of the Senate Congressional Sportsmen's Caucus (CSC) introduced the Bipartisan Sportsmen's Act of 2014. Introduced by CSC Senate Co-Chair, Senator Kay Hagan and CSC member Senator Lisa Murkowski, this bipartisan legislative package includes 12 bills that would ensure our sportsmen's traditions are protected and advanced, and addresses some of the most current concerns of American hunters and recreational anglers and shooters.

The Bipartisan Sportsmen's Act is cosponsored by CSC Vice-Chair, Sen. Mark Pryor and CSC members, Sens. Mark Begich, John Boozman, Dean Heller, John Hoeven, Mary Landrieu, Joe Manchin, Rob Portman, Jon Tester and David Vitter.

Congressional Sportsmen's Foundation (CSF) President, Jeff Crane praised the introduction of this vital legislation. ''We thank CSC Co-Chair Senator Hagan and CSC member Senator Murkowski for introducing this bipartisan package of legislation that includes provisions vital to protecting our hunting and angling traditions in the U.S., which the CSC and organizations within the sportsmen's community have been working on for years.''

The Bipartisan Sportsmen's Act contains six bills that are also found in the Sportsmen's Heritage and Recreational Enhancement (SHARE) Act (H.R. 3590), which has been introduced in the House of Representatives by House CSC Co-Chairs, Representatives Bob Latta and Bennie Thompson and Vice-Chairs, Representatives Rob Wittman and Tim VValz. Similar provisions include protecting traditional lead ammunition and fishing tackle from unwarranted regulation under the Toxic Substances Control Act, amending the Pittman-Robertson Act to allocate a greater proportion of funding for shooting ranges, allowing film crews of five or fewer persons on federal lands with an annual permit for $200, and allowing the Secretary of Interior to authorize a permanent electronic duck stamp, among others.

''I am proud to have partnered with Senator Lisa Murkowski to develop the bipartisan Sportsmen's Act of 2014,'' said CSC Co-Chair, Sen. Kay Hagan. ''In North Carolina, hunting, fishing and shooting are a way of life. Many of these traditions have been handed down through my own family, and I'm proud that our bill protects these activities for future generations while ensuring that outdoor recreation can continue to support jobs and local economies across the country. At a time when Washington is stuck in political gridlock, our bill demonstrates that Democrats and Republicans can work together to find common ground, and I look forward to working with Senator

Murkowski to advance this package through the Senate and into law.''

In addition to the bills shared by H.R. 3590, priorities in the Bipartisan Sportsmen's Act include: reauthorization of the Federal Land Transaction Facilitation Act, which allows the Bureau of Land Management to sell land to private owners for ranching, community development, and conservation projects; reauthorization of the North American Wetlands Conservation Act; and ''Making Public Lands Public,'' which requires that 1.5% of the Land and Water Conservation Fund be used for ensuring recreational public access to federal public lands that have significantly restricted access to fishing and hunting.

''Senator Hagan and I have been able to combine the best of the bills from our individual packages to support outdoor recreation and created a truly bipartisan package that will improve access to public lands for anglers, hunters, and recreational shooters across the nation,'' Sen. Murkowski said. ''I'm hopeful that the Senate can follow suit and work together to pass a sportsmen's package this Congress, because these are some of the last remaining 'easy' issues that enjoy widespread support here on Capitol Hill.''

The SHARE Act is expected to be voted on in the House of Representatives on February 5. CSF will continue to work with our bipartisan partners in the CSC to advance these sportsmen's priorities through Congress.

[From the Media Center, Feb. 4, 2014]

SENATE SPORTSMEN'S BILL UPHOLDS PUBLIC ACCESS, CONSERVATION

WASHINGTON—A bipartisan legislative package introduced today in the U.S. Senate would increase public access opportunities and advance conservation and is drawing widespread support from prominent sportsmen's groups, the Theodore Roosevelt Conservation Partnership announced today.

The Bipartisan Sportsmen's Act (S. 1996), introduced by Sens. Kay Hagan and Lisa Murkowski, attracted an impressive range of co-sponsors, including Sens. Mark Begich, John Boozman, Dean Heller, John Hoeven, Mary Landrieu, Joe Manchin, Rob Portman, Mark Pryor, Jon Tester and David Vitter.

''The Theodore Roosevelt Conservation Partnership supports the bipartisan sportsmen's package led by Senators Hagan and Murkowski,'' said TRCP President and CEO Whit Fosburgh. ''Sportsmen rely on both the conservation of important habitat and, just as important, reasonable access to that habitat to enjoy productive days afield. This package includes bills that achieve both of those goals.

''Hunting and fishing directly contribute more than $86 billion to the U.S. economy each year and support approximately 1.5 million non-exportable jobs,'' Fosburgh continued. ''Sportsmen also are integral to the broader outdoor recreation and conservation economy, which is responsible for $646 billion in direct consumer spending annually.''

The Senate legislation includes the following:

Recreational Fishing and Hunting Heritage Opportunities Act (S. 170), requiring federal land managers to consider how management plans affect opportunities to engage in hunting, fishing and recreational shooting and requiring the Bureau of Land Management and the Forest Service to keep BLM lands open to these activities.

Making Public Lands Public, requiring that 1.5 percent of annual Land and Water Conservation Fund monies be made available to secure public access to existing federal lands that have restricted access to hunting, fishing and other recreational activities.

Permanent Electronic Duck Stamp Act of 2013 (S. 738), authorizing the U.S. Fish and Wildlife Service to allow any state to provide federal duck stamps electronically.

North American Wetlands Conservation Act Reauthorization (S. 741), reauthorizing through fiscal year 2017 NAWCA, which provides matching grants to organizations, state and local governments, and private landowners for the acquisition, restoration and enhancement of wetlands critical to the habitat of migratory birds.

National Fish and Wildlife Foundation Reauthorization (S. 51), reauthorizing NFWF, a nonprofit that preserves and restores native wildlife species and habitats.

Hunting, Fishing and Recreational Shooting Protection Act (S. 1505), exempting lead fishing tackle from being regulated under the Toxic Substances Control Act.

Target Practice and Marksmanship Training Support Act (S. 1212), enabling states to allocate a greater proportion of federal funding to create and maintain shooting ranges.

Prominent sportsmen's groups commended the bill.

''Pope and Young Club, speaking on behalf of bowhunting, is excited to see the bipartisan support for the Bipartisan Sportsmen's Act of 2014,'' said Mike Schlegel, conservation committee chairman of the Pope & Young Club. ''This act contains titles that address key issues of concern within the conservation community nationwide.''

''The Bipartisan Sportsmen's Act of 2014 would expand hunter access and enable active habitat management, including conservation of some of the nation's most valuable federal lands,'' said Becky Humphries, executive vice president of conservation for the National Wild Turkey Federation. ''The National Wild Turkey Federation strongly supports this pro-sportsmen legislative package.''

''More than 140 million Americans participate in outdoor recreation activities, including hunting and fishing,'' said Ducks Unlimited CEO Dale Hall. ''DU appreciates the bipartisan effort of this bill in bringing to light the economic impact and importance of sportsmen and -women to the United States. We are also grateful for its inclusion of the North American Wetlands Conservation Act, which is an ideal model for successful private-public partnerships.''

''Bipartisanship requires compromise,'' said Dr. Steve Williams, president of the Wildlife Management Institute and former director of the U.S. Fish and Wildlife Service, ''and this bipartisan bill encompasses many of sportsmen's priority issues. While not all of our needs are addressed, we commend our Senate leaders for introducing legislation that speaks to the values—responsive natural resources management, conservation and increased access opportunities among them—that are central to our outdoor traditions.''

APRIL 8, 2014.

Re Promoting Legislation to Improve Hunting in America

Senator KAY HAGAN,
Congressional Sportsmen's Caucus, Co-Chair, Washington, DC.
Senator LISA MURKOWSKI,
Energy and Natural Resource Committee, Ranking Member, Washington, DC.

DEAR SENATORS HAGAN AND MURKOWSKI, We write you to express our sincere gratitude for your leadership during the 113th Congress for hunting and conservation. Individually you introduced pro-hunting and conservation legislation. Collectively we are all recipients of the Diana Award. This award is bestowed on one female huntress annually for their achievement in big game hunting, ethics in the field, and giving of their money, time and energies to enhance wildlife conservation and education.

We are now delighted to learn you are working together to introduce bipartisan pro-hunting and pro-conservation legislation. Your ongoing effort to introduce bi-partisan legislation is a monumental step in breaking the deadlock that hunters have felt in previous legislative efforts.

Improving hunting opportunities across the U.S., being good role models for other female hunters, and improving funding for wildlife conservation has been a priority goal throughout our lives. We are proud to see your leadership as fellow female hunter-conservationists in the U.S. Senate. Furthermore as leaders of the Congressional Sportsmen's Caucus and of the Energy and Natural Resources Committee, your colleagues are all looking to you for guidance on good public policy for hunting and conservation. We applaud your efforts and we are anxious to see you reach your legislative goals.

Our organization, Safari Club International, has an office in Washington, DC which we trust is working closely with your staffs to see your legislation become law. As fellow female hunters, thank you for your leadership and demonstrating that we all have a vested interest in our hunting heritage and wildlife conservation.

Sincerely,

Pamela S. Atwood, Diana Award Winner 1997; Jackie Bartels, Diana Award Winner 2007; Suzie Brewster, Diana Award Winner 2010; Deb Cunningham, Diana Award Winner 2002; Abigail Day, Diana Award Winner 2008; Olivia Nalos Opre, Diana Award Winner 2014; Charlotte M. Peyerk, Diana Award Winner 2011; Barbara Sackman, Diana Award Winner 1999; Sandra Sadler, Diana Award Winner 2005; Renee Snider, Diana Award Winner 2012; Ingrid-Poole Williams, Diana Award Winner 1998.

NATIONAL SHOOTING SPORTS FOUNDATION, INC.,
Newtown, CT, June 11, 2014.

Senator KAY HAGAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR HAGAN: The National Shooting Sports Foundation (NSSF) is the trade association for the firearms, ammunition, hunting, and recreational shooting sports industry. On behalf of our over 10,000 members, I would like to express our appreciation to you for your leadership and support in co-sponsoring the ''Bipartisan Sportsmen's Act of 2014'' (S.2363).

As you know, S. 2363 is simply the most important package of measures for the benefit of sportsmen in a generation. This package of pro-sportsmen legislation will promote, protect, and preserve our cherished outdoor activities of hunting and the shooting sports.

This vital piece of legislation will prevent anti-hunting groups from taking away the right of hunters to use the ammunition of their choice, provide state fish and game agencies with more flexibility to use Pittman-Robertson funds to build and maintain badly needed public shooting ranges so that tens of millions of recreational target shooters will have a place to safely enjoy their sport and hunters will have places to sight in their firearms for the hunting season. The bill will also help facilitate and provide for more access to public lands and waters for hunting, recreational fishing, and shooting. It will also prohibit additional fees for commercial filming on federal lands and waterways.

Companies in the United States that manufacture, distribute, and sell firearms, ammunition, and hunting equipment employ as

many of 112,000 people in the United States and are responsible for as much as $37.7 billion in total economic activity in the country. In these difficult economic times the firearms, ammunition, and hunting industries are still one of the few domestic industries that has grown its profits while also contributing increased tax revenues. We as an industry appreciate your continued support of legislation to protect the hunting and shooting sports.

I want to thank you again for co-sponsoring this important legislation. Thank you for your service on behalf of America's hunting, shooting, and conservation community.

Sincerely,

LAWRENCE G. KEANE.

THE WILDERNESS SOCIETY,
Washington, DC.

DEAR SENATOR, On behalf of The Wilderness Society and our 500,000 members and supporters, I am writing to express our support for S. 1996, the Bipartisan Sportsmen's Act of 2014, sponsored by Senator Hagan. We believe that hunting and fishing are important uses of our public lands, and this legislation would advance several vital programs which would both safeguard sportsmen's access to world class hunting and angling opportunities while simultaneously supporting many programs that protect the high quality fish and wildlife habitat upon which sportsmen rely.

The Wilderness Society strongly supports several provisions of this legislation, specifically:

Reauthorization of the Federal Land Transaction Facilitation Act (FLTFA)

This legislation would also renew FLTFA, an important tool allowing federal land management agencies to fund the acquisition of critical conservation areas—Including wildlife refuges, national parks, national forests and more—though the sale of BLM lands with lower conservation values which have been identified for disposal. This common sense ''land for land'' approach not only provides increased public access for hunting and fishing, but also benefits local businesses, counties, economies, private land owners, and other outdoor recreation enthusiasts.

Making Public Lands Public

This provision would require the Secretaries of Interior and Agriculture to spend at least 1.5 percent of Land and Water Conservation Fund resources each year on parcels, easements or road maintenance projects which increase access to our public lands for hunters, anglers and other recreational users. We support this provision, and further, we support full and permanent authorization of the Land and Water Conservation Fund to ensure continued access to and protection of our public lands and waters.

Reauthorization of the North American Wetlands Conservation Act (NAWCA)

NAWCA is a proven and popular conservation program with more than 25 years of success in partnering with state, local and nonprofit organizations to leverage federal dollars in the restoration and protection of over 27 million acres of wetlands. The reauthorization of NAWCA is essential for the protection and restoration of wetland habitat, which supports an enormous variety of waterfowl, fish and other wildlife.

Reauthorization of the National Fish and Wildlife Foundation (NFWF)

Since its inception, NFWF has leveraged $576 million in federal funds into $2 billion in on-the-ground conservation. The National Fish and Wildlife Foundation works with public and private partners in all 50 states to protect species and habitats and promote local stewardship of natural places, from community parks to wildlife refuges. Reauthorization of NWFW will ensure continued substantial leveraging of federal dollars in the protection of species and habitats that sportsmen depend on.

Permanent Electronic Duck Stamp Act

This title gives the Secretary of the Interior authority to permanently authorize electronic duck stamps. For 80 years duck stamps have served a dual role, both as a license to hunt waterfowl and as one of the most effective and important programs to protect wetland and wildlife refuge habitat. For every dollar spent on federal duck stamps, 98 cents goes to acquiring or leasing wetland habitat for protection in the National Wildlife Refuge System. Permanently authorizing the electronic duck stamp will significantly increase both access to hunting licenses for sportsmen and protection of high quality habitat for waterfowl and other species.

Further, the legislation does not include any of the provisions included in H.R. 3590, the Sportsmen's Heritage and Recreational Enhancement Act, that would undermine the integrity of America's National Wilderness Preservation system.

For these reasons, we urge you to support S. 1996, the Bipartisan Sportsmen's Act.

Sincerely,

ALAN ROWSOME,
Senior Director of Government Relations for Lands, The Wilderness Society.

JULY 9, 2014.

Hon. HARRY REID,
Majority Leader, U.S. Senate, Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate, Washington, DC.
Hon. KAY HAGAN,
U.S. Senate, Washington, DC.
Hon. LISA MURKOWSKI,
U.S. Senate, Washington, DC.

DEAR MAJORITY LEADER REID, MINORITY LEADER MCCONNELL, SENATOR HAGAN AND SENATOR MURKOWSKI: The sportsmen and women conservationists who we represent across the Nation deeply appreciate the strong bipartisan leadership that you have shown to bring the Bipartisan Sportsmen's Act of 2014 (S. 2363) to the floor this week. S. 2363 includes valuable provisions to conserve fish and wildlife habitat and expand public access for hunters and anglers. We know that time on the floor of the Senate is extremely limited and precious, but we believe that this bill is worthy of expedited floor consideration.

It is a rare and splendid occurrence that such a large and diverse coalition of hunting, shooting, angling and other conservation organizations are so united behind a bill. Therefore, we urge you to maximize the value of such a rare opportunity for sportsmen by ensuring that floor consideration of this important legislation and amendments filed to it will be open, transparent and limited to issues that enhance our nation's rich sportsmen's heritage.

In particular, we urge you to oppose any amendments that would derail the proposal by the U.S. Army Corps of Engineers and Environmental Protection Agency to clarify and restore longstanding Clean Water Act protections for headwater streams and wetlands across the country. On June 3, 2014, we and 12 other sportsmen's conservation groups wrote to you and urged you to reject such legislation (attached). Such legislation would severely undermine, not enhance, sportsmen's interests.

Please take advantage of the great opportunity that you and the outstanding group of bipartisan cosponsors of S. 2363 have worked so hard to achieve on behalf of sportsmen this week. Pass a strong sportsmen's bill.

Sincerely,

Collin O'Mara, President and CEO, National Wildlife Federation; Whit Fosburgh, President and CEO, Theodore Roosevelt Conservation Partnership; Scott Kovarovics, Executive Director, Izaak Walton League of America; Chris Wood, President and CEO, Trout Unlimited.

Mrs. HAGAN. I also want to share some excerpts from these letters and statements.

This one is from the National Shooting Sports Foundation. The Bipartisan Sportsmen's Act ''is simply the most important package of measures for the benefit of sportsmen in a generation. This package of pro-sportsmen legislation will promote, protect, and preserve our cherished outdoor activities of hunting and the shooting sports.''

The CEOs of the National Wildlife Federation, Theodore Roosevelt Conservation Partnership, Izaak Walton League of America, and Trout Unlimited, in one letter, wrote: The Bipartisan Sportsmen's Act of 2014 ''includes valuable provisions to conserve fish and wildlife habitat and expand public access for hunters and anglers. We know that time on the floor of the Senate is extremely limited and precious, but we believe that this bill is worthy of expedited floor consideration. It is a rare and splendid occurrence that such a large and diverse coalition of hunting, shooting, angling and other conservation organizations are so united behind a bill.''

Then a letter from Jeff Crane, who is president of the Congressional Sportsmen's Foundation. Senator MURKOWSKI and I both have worked very closely with Jeff Crane, who is president of the Congressional Sportsmen's Foundation. In his letter he said:

We thank Congressional Sportsmen's Caucus Co-Chair Senator Hagan and CSC member Senator Murkowski for introducing this bipartisan package of legislation that includes provisions vital to protecting our hunting and angling traditions in the U.S., which the CSC and organizations within the sportsmen's community have been working on for years.

From the Wilderness Society, in their letter:

On behalf of our 500,000 members and supporters, I am writing to express our support for the Bipartisan Sportsmen's Act of 2014. We believe that hunting and fishing are important uses of our public lands, and this legislation would advance several vital programs which would both safeguard sportsmen's access to world class hunting and angling opportunities while simultaneously supporting many programs that protect the high quality fish and wildlife habitat upon which sportsmen rely.

That was from the Wilderness Society.

The women of Safari Club International wrote to Senator MURKOWSKI and me. This letter was dated in April.

We are delighted to learn you are working together to introduce bipartisan pro-hunting and pro-conservation legislation. Your ongoing effort to introduce bipartisan legislation is a monumental step in breaking the deadlock that hunters have felt in previous legislative efforts.

The CEO of Ducks Unlimited said:

More than 140 million Americans participate in outdoor recreation activities, including hunting and fishing. DU appreciates the bipartisan effort of this bill in bringing to light the economic impact and importance of sports men and women to the United States. We are also grateful for its inclusion of the North American Wetlands Conservation Act, which is an ideal model for successful private-public partnerships.

I agree. We have an opportunity today to take action on a bill that advances critical priorities for a wide range of sportsmen and conservation groups across the country, bringing those two groups together.

I am proud of the package Senator MURKOWSKI and I crafted and put together. I also recognize that Members on both sides of the aisle have ideas on how to strengthen this bill.

It was always my hope we could take up, debate, and vote on sportsmen-related amendments to the bill, including amendments on some gun issues that are important to sports men and women in my State and across the country. I am disappointed we were not able to reach an agreement to do so.

However, we should not let partisan politics get in the way of passing a good bill that already has strong bipartisan support. It is fiscally responsible, and it is endorsed by more than 40 groups and stakeholders across the United States—6 of whom I have just made statements about from letters we have received.

So here is what I am going to ask all of my colleagues to do today: If you support this bill, vote for this bill. Outdoor recreation activities are a way of life in States across the country. Just as importantly, they are the lifeblood of many of our local communities. These activities actually contribute $145 billion to our economy every year, and they support over 6 million jobs in this country. This is big business—and especially at a time when we are looking at jobs and the economic recovery.

So at a time when we are desperately trying to help the job market and get our economy back on track, I urge my colleagues to please put politics aside and vote to move forward with this balanced bipartisan bill that boosts our economy, protects our outdoor traditions, and preserves the special places in this country where we hunt, where we fish, where we enjoy the outdoors, and to do this for our future generations.

Ms. COLLINS. Mr. President, I rise today in support of the Bipartisan Sportsmen's Act, S.2363. This legislation aims to support outdoor recreation by improving access for anglers, hunters, and recreational shooters. It would also advance conservation by reauthorizing programs that protect wildlife species and habitats, wetlands, migratory birds, and waterfowl.

Hunting, angling, outdoor recreation, and conservation are important economic contributors and support jobs in communities across the country, including many across the State of Maine. The Federal Government is an important partner in preserving our natural treasures, enhancing recreation, promoting economic growth, and helping to protect the environment, which are all components in sustaining our Nation's outdoor heritage and traditions.

While I understand the concerns that have been raised about the need to strengthen the bill's conservation measures, on balance S.2363 would benefit hunting, fishing, outdoor recreation, and conservation. One provision would promote hunting, fishing, and recreational shooting on Federal public lands, preventing arbitrary closures. Another would help States construct and maintain public shooting ranges by allowing a larger proportion of Federal funding to be used for this purpose. Additionally, the bill would reauthorize the North American Wetlands Conservation Act and the National Fish and Wildlife Foundation, which leverage funding for critical wetlands, migratory birds, native fish and wildlife species, and habitat projects. A permanent authorization of electronic duck stamps, the proceeds of which go to the Migratory Bird Conservation Fund, is also included in the bill.

I am also pleased to be the sponsor of a bipartisan amendment that highlights the many important contributions of the Land and Water Conservation Fund over the last 50 years. In addition to calling for the reauthorization of this landmark conservation program, the amendment calls for full, permanent, and dedicated funding, making good on the promise that was made to the American people in 1964 to take the proceeds from natural resource development and invest a small portion in conservation and outdoor recreation. I am deeply concerned about the continued annual diversion of these funds from their original conservation intent to other purposes. We will not balance our Nation's books today by shortchanging our future.

Upholding Maine's strong tradition of outdoor recreation, including hunting and fishing, and protecting access to the great outdoors for the enjoyment of all Americans continue to be priorities of mine. I also strongly support conservation programs and actions to preserve wildlife and natural habitats. The people of Maine have always been faithful stewards of our environment because we understand its tremendous value to our way of life. The Bipartisan Sportsmen's Act would have a positive impact on hunting, fishing, outdoor recreation, and conservation, and I support its passage.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

BIPARTISAN SPORTSMEN'S ACT OF 2014

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2363, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (S. 2363) to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

Pending:

Reid (for Udall (CO)/Risch) amendment No. 3469, to clarify a provision relating to the nonfederal share of the cost of acquiring land for, expanding, or constructing a public target range.

Reid amendment No. 3490 (to amendment No. 3469), of a perfecting nature.

Reid motion to commit the bill to the Committee on Energy and Natural Resources, with instructions, Reid amendment No. 3491, to change the enactment date.

Reid amendment No. 3492 (to (the instructions) amendment No. 3491), of a perfecting nature.

Reid amendment No. 3493 (to amendment No. 3492), of a perfecting nature.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 2363, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

Harry Reid, Kay R. Hagan, Patrick J. Leahy, Tim Kaine, Angus S. King, Jr., Thomas R. Carper, Bill Nelson, Jon Tester, Patty Murray, Claire McCaskill, Mark Begich, Sheldon Whitehouse, Martin Heinrich, Debbie Stabenow, Tom Harkin, Tom Udall, Joe Donnelly.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that the debate on S. 2363, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Maryland (Mr. CARDIN), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Hawaii (Mr. SCHATZ) are necessarily absent.

The PRESIDING OFFICER (Ms. BALDWIN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 41, nays 56, as follows:

[Rollcall Vote No. 220 Leg.]

YEAS—41

Baldwin	Bennet	Cantwell
Begich	Brown	Carper

Casey	Klobuchar	Sanders
Coons	Landrieu	Schumer
Donnelly	Leahy	Shaheen
Franken	Levin	Stabenow
Gillibrand	Manchin	Tester
Hagan	McCaskill	Udall (CO)
Harkin	Merkley	Udall (NM)
Heinrich	Murray	Walsh
Heitkamp	Nelson	Warner
Johnson (SD)	Pryor	Whitehouse
Kaine	Reid	Wyden
King	Rockefeller	

NAYS—56

Alexander	Enzi	Menendez
Ayotte	Feinstein	Moran
Barrasso	Fischer	Murkowski
Blumenthal	Flake	Murphy
Blunt	Graham	Paul
Booker	Grassley	Portman
Boozman	Hatch	Reed
Boxer	Heller	Risch
Burr	Hirono	Roberts
Chambliss	Hoeven	Rubio
Coats	Inhofe	Scott
Coburn	Isakson	Sessions
Cochran	Johanns	Shelby
Collins	Johnson (WI)	Thune
Corker	Kirk	Toomey
Cornyn	Lee	Vitter
Crapo	Markey	Warren
Cruz	McCain	Wicker
Durbin	McConnell	

NOT VOTING—3

Cardin	Mikulski	Schatz

The PRESIDING OFFICER. On this vote the yeas are 41, the nays are 56. Three-fifths of the Senators present and voting have not voted in the affirmative, the motion is rejected.

Mr. REID. Madam President, for those students who are out there trying to learn what goes on in the Senate and for those professors who teach what goes on in the Senate, this is not totally new, but this is in the category of being fairly new.

This is an example of the Republicans filibustering not one of our bills but their own bill. How about that? There are 26 Republican cosponsors, and they filibustered their own bill.

We have asked on a number of occasions for what we have done around this body for decades: You come up with a list of amendments, you come up with a list of amendments, and we will work through those amendments.

Do you know why we don't do that anymore? The Republicans cannot agree among themselves what they want as amendments. They cannot come up with a list. They are so tangled up with the tea party here, the tea party there, people running for President, they cannot decide on a list of amendments to bring before the body. So what do they do? They block everything.

I was hoping that with the majority of the Republicans sponsoring a bill, we could at least move forward on it. People who sponsored this bill voted against it. They are bringing to this body a new definition of what it means to sponsor legislation. I mean, who, of the people who have come before us in this body, ever voted to filibuster their own bill? That is what they have done. But it is nothing new.

I see on the floor the senior Senator from New Hampshire. She worked for more than a year with some Republican colleagues to do something that is so badly needed in this country now; that is, energy efficiency. Energy is wasted every day in this country. She and some Republican colleagues worked on a measure to reduce the waste of energy. It is called the energy efficiency bill. Guess what. The Republicans voted to kill their own bill.

I was originally told by Republicans: Go ahead and let's just vote on it as it is.

I thought that was great because they had been working on it in committee. They had a significant number of amendments that had been dealt with before on the floor, and they put them in the bill and they brought it to the floor. But then I am told—and I have said this before, and I will say it again because we need to repeat something that needs repeating—give us a vote on the Keystone Pipeline. All we want is a sense of the Senate.

I didn't like that because we already had an agreement. I came back and said: OK, do it.

Then we came back after a recess of a few days, and they said: Well, we have a new deal now.

What is that?

We want an up-or-down vote on Keystone.

We cannot do that. We already have an agreement to get this moving.

I go back and mostly talk to myself, quite frankly, because it is not very logical what I am being asked to do, but I talk to myself for a while, and I come back and say: OK, on Keystone, an up-or-down vote right here on the Senate floor.

They couldn't take yes for an answer even on that.

And then—the audacity—Republican Senators have come to the floor since then and said: They won't give us a vote on Keystone.

They did it on Shaheen-Portman. We had an economic development revitalization act. One of the Republican cosponsors there voted to block that. Small business innovation—three Republican cosponsors voted to block that.

This is a new phenomenon for the professors and the students to figure out. You sponsor a bill and then you vote to kill it before you even bring it to the floor. So I guess sponsorship doesn't mean what it used to mean anymore. It means ''I am sponsoring this bill, but watch out because I may vote against myself.''

So we are going to continue to work on this side of the aisle to try to get work done, but observers need to look no further than Republican sponsors voting against their own bills to see where the problem lies.

EXECUTIVE SESSION

NOMINATION OF SHAUN L.S. DONOVAN TO BE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET

NOMINATION OF DOUGLAS ALAN SILLIMAN TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF KUWAIT

NOMINATION OF DANA SHELL SMITH TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF QATAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The legislative clerk read the nominations of Shaun L.S. Donovan, of New York, to be Director of the Office of Management and Budget; Douglas Alan Silliman, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Kuwait; and Dana Shell Smith, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador of the United States to the State of Qatar.

The PRESIDING OFFICER. Under the previous order, the time until 2 p.m. will be equally divided in the usual form.

The Senator from New Hampshire.

Mrs. SHAHEEN. Madam President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHILDCARE TAX CREDIT

Mrs. SHAHEEN. Madam President, I come to the floor this afternoon to discuss legislation that I introduced this week with our colleagues, BARBARA BOXER, PATTY MURRAY and KIRSTEN GILLIBRAND. Our legislation responds to the rising cost of childcare in the United States and the impact it is having on millions of working families.

Our bill, called the Helping Working Families Afford Child Care Act, would help these working parents. It would help them afford childcare so they can go to work and support their families. What it does is update the child and dependent care tax credit that was passed in 1976 and has only been updated once since that time.

Access to affordable childcare is a necessity for working parents. I raised three daughters and I have seven grandchildren, so I appreciate just how important it is for working parents to know their children are being supervised by quality caregivers.

Sadly, I struggled with childcare from the time my first child was born in 1974 until the year my last child finally went off to college in 2004. Unfortunately, I am watching my daughters deal with that same struggle of how to find quality childcare for their kids.

A working parent can be productive in the workforce only when they know their children are safe. That is why the rising cost of childcare is a real burden for millions of families—especially for working mothers. Childcare costs are taking up an increasingly larger share of a typical family's take-home pay.

I visited a great NAEYC accredited childcare center in Nashua, NH, earlier this week, and I saw their infant room—where they care for infants. The average cost for full-time care for an infant in New Hampshire in a childcare center was almost $12,000 in 2012, the last year for which we have data. It costs $12,000. For a family trying to make ends meet, this is a huge cost.

In fact, in the Northeast the cost of full-time, center-based care for children now represents the highest single expense for a typical household. It costs more than housing, more than college tuition, more than transportation, food, utilities or health care.

Unfortunately, as the cost of childcare has grown, one critical tax credit that helps defray childcare costs has failed to keep pace. The child and dependent care tax credit was first enacted in 1976 with strong bipartisan. It was supported by both Democrats and Republicans. This credit provides a tax credit to working parents for a portion of their childcare expenses. However, the limits on the credit are not indexed to inflation, and so their value has actually decreased over time. In fact, the limits have been increased just once in the past 25 years. The tax credit simply is not keeping pace with the growing cost of childcare.

The Helping Working Families Afford Child Care Act would update and improve this tax credit so it responds to the increasing burden of childcare costs. First, the bill would increase the amount of childcare expenses that are eligible for the credit. Right now families can only claim expenses up to $3,000 for one child and $6,000 for two or more children. That just doesn't make sense in New Hampshire or anywhere else in the country. In New Hampshire the average cost of childcare can exceed $12,000 for a single child.

This bill increases the tax credit starting in 2015 and indexes the cost to inflation so they will continue to keep pace with rising childcare costs. The bill also makes the tax credit fully refundable and phases out the credit for families making over $200,000 a year. It better targets how the money is spent.

Right now the tax credit is poorly targeted. It provides zero benefit for too many families who need it the most. By making the credit refundable, the bill better targets the tax credit to families who are most in need of childcare assistance.

I have been working on early childcare and education for most of my public career, especially during my years as Governor of New Hampshire. One of the lessons I have learned is that providing access to early and affordable childcare and education is not just about helping families make ends meet—although that is an important piece of it—it is also a short-term and long-term issue for our businesses and our economy.

As Governor I worked with the New Hampshire business community and established the Governor's Business Commission on Child Care and Early Childhood Education to engage business leaders in addressing the State's childcare and early education needs. We did a study that looked at the impact of the shortage of quality childcare in New Hampshire back in the 1990s. We found that businesses were losing up to $24 million a year as a result of childcare-related absenteeism, and nearly one in four employees was forced to change jobs or switch to part time as a result of their inability to find satisfactory childcare.

We have many national studies that show that quality, dependable childcare for employees is vital to a company's productivity. In fact, researchers estimate that childcare breakdowns leading to employee absences cost businesses $3 billion a year because parents are concerned about where their kids are.

In addition, a majority of companies report that employee absenteeism is reduced when quality childcare services are offered. Employee turnover is also reduced, and we know how important employee retention is to a business's bottom line.

The long-term benefits to our workforce are also clear. Research shows that quality childcare and early childhood development are critical to preparing our children for tomorrow's jobs. We know that the first 5 years are the most critical in the development of a child's brain. During these years children develop their cognitive, social, emotional, and language skills that form a solid foundation for their lives.

Research shows that children who received quality childcare do much better in school; they are less likely to drop out; they are more likely to read at grade level; they are less likely to repeat grades; they are less likely to need special education; and they are less likely to get into trouble. The experiences children have in their first few years will affect them, their families, and our society for the rest of their lives. I think it makes more sense for us to invest in early childhood care and education because we can either spend the money then or we can spend a whole lot more money later. When kids don't get a good start in life, they wind up getting into trouble and can end up in prison.

I used to talk about the cost of early care and education being about $1 for $7 that gets spent at the other end if we don't pay for these costs. It is a whole lot cheaper to pay for childcare than it is to pay for prison. That is why we have to respond to the rising cost of childcare. We have to ensure that working families can afford quality childcare.

The legislation we introduced this week will help working families in the short term, and it will especially help working mothers as they go to work. It will support the early development of our children, which is so critical to our future, our economy, and our workforce.

I am hopeful we can get a lot of sponsors for this legislation and get bipartisan support just as the credit had when it passed in 1976 so we can provide the help that working families need.

I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER (Ms. HIRONO). The Senator from Alabama.

Mr. SESSIONS. Madam President, I first wish to say to the distinguished majority leader that the recent filibuster was supported by a number of Democratic Members, but most importantly it was supported by Members who did, in fact, favor the legislation. The reason they refused to go forward with the bill is because Senator REID—in a dictatorial manner—has announced that he intends to control amendments. You don't get an amendment unless you grovel to the majority leader.

There is no reference to the majority leader in the Constitution of the United States. He doesn't get to tell an individual Senator they can't have an amendment on a bill. He has been doing that consistently, and it is not right. We have been on this bill long enough to cast 10 or 15 votes. It is not a question of time as to why he will not allow amendments.

The reason the majority leader will not allow amendments is because he wants to protect his Members from actually being held accountable by the voters of the United States of America by having to cast votes and choose sides. That is what it is all about. It has gone on way too long. It is demeaning to this Senate, and he demeans the loyal opposition who are doing the only thing they have as a tool, which is refusing to move forward with a bill because the majority leader is going to use parliamentary maneuvers to block anybody's amendment. I wish it were not true.

I will not go quietly and allow him to come down and blame others for the problem he has caused. We could have already had this bill up for final passage. It is not a question of time. It is a question of control and domination of the Senate, and the majority leader is not entitled to do that. He is not entitled to do that, and it is not going to continue. This will be broken sooner or later.

If the majority leader wants to move important legislation, he is going to

have to agree to a process that allows duly elected representatives of various States in America to be able to at least offer an amendment.

My remarks today are to discuss the nomination of Shaun Donovan to be the Director of the Office of Management and Budget. This is a very important office.

I voted against Mr. Donovan in the Budget Committee, and I wish to take this opportunity to share with my colleagues my concerns. My concerns are not related to his character or personality or decency but his experience and qualifications to serve as the Nation's chief financial manager—the Director of the Office of Management and Budget.

Alexander Hamilton explained in Federalist 76 why the Senate was assigned a role in the confirmation process:

> It would be an excellent check upon the spirit of favoritism in the President, and would tend greatly to prevent the appointment of unfit characters from State prejudice, from family connection, from personal attachment, or from a view to popularity.

The President has the right to nominate, and his nominations should be given deference, but as Hamilton made clear, when the President's nominee does not have the fitness necessary for a critical position, the Senate should not provide its consent.

The Director of the Office of Management and Budget is one of the most important positions in the entire government, entrusted to oversee our massive Federal bureaucracy and budget process during a time when the Nation is facing tremendous financial danger.

Only weeks ago the Director of the Congressional Budget Office reaffirmed in testimony before Congress that the debt of this country is on an ''unsustainable path,'' and he meant exactly that. He went on to say that America faces the ''risk of a fiscal crisis.'' He means Greece when he says ''a fiscal crisis.''

Whoever holds the job of budget director must be one of the toughest, strongest, most able, and disciplined managers in America. We ought to be looking for the very best. We need someone who already understands this massive Federal Government, the financial stresses we are under, where the problems arise, and how to manage it.

We need somebody with the capability and credibility to deal with strong-willed cabinet people who, as history shows, always want to spend more and need to be told no by the Office of Management and Budget.

Sadly, what has become clear is that the President did not choose Mr. Donovan because he met those criteria. That was not what he was looking for. Mr. Donovan does not come close to meeting those qualifications. He just does not. I enjoyed meeting with him, but I asked him questions that deal with fundamental issues everybody in Congress understands but he doesn't understand because he hasn't had experience with them. Instead, it would seem Mr. Donovan, as with the President's past Budget Directors, was chosen because he has good people skills and personality and is politically loyal and would defend the administration's goals and priorities even when the result might be unfavorable to the public's fiscal health.

We have seen this time and again in the President's Budget Office. His past Budget Directors have done more to conceal financial problems the Congressional Budget Office has told us we face than to illuminate those problems. They have steadfastly sought to avoid serious discussions about the unsustainable debt course we are on and to lay out any credible policies to fix that problem. They have been unresponsive to congressional inquiry. They make false statements about what their budget would actually do. Indeed, they have repeated—Mr. Lew did when he was Director—that our budget would pay down the debt when, in fact, there was not a single year in his 10-year budget that the deficit was less than $500 billion. They have tried to break spending caps that are agreed to by the President and are in law, and they refused to comply with legal requirements to submit a plan to prevent Medicare's insolvency—an edict the law requires him to do, and President Bush did.

The Office of Management and Budget should be one of the least political departments in government. Instead, the President has made it one of the most political. Shouldn't the American people be able to look to their Budget Director with confidence, knowing their tax dollars have been entrusted to someone with great wisdom and experience and independence? Shouldn't they be able to know their Budget Director will look the American people in the eye and tell them squarely what the true facts are we are facing today, and is someone who could lay out a plan that would actually work to fix the debt course we are on?

The President had the ability to scour the country for the most skilled, talented, disciplined, and gifted manager he could find for this office. Very few people of prominence would turn down a request from the President to fulfill that duty. A renowned manager of great financial acumen and recognized independence is what we are looking for—someone with a track record, a proven record of saving taxpayers' dollars, developing new efficiencies, taking on entrenched interest in the service of the public good, not the special interest good. They have to be capable of meeting with someone such as PAUL RYAN, chairman of the House Budget Committee, to meet with members of the Budget Committee such as Senator ROB PORTMAN who was also a former OMB Director; Senator PAT TOOMEY, Senator CHUCK GRASSLEY, Senator RON JOHNSON, a businessman and an accountant. They know about these matters. They have been working on them. They have been negotiating and producing plans. Mr. Donovan has no knowledge of them. He cannot discuss it with them intelligently. He has no background in that. He has shown no interest in it. I suspect Mr. Donovan was stunned when he was offered this job. He certainly has not prepared himself for it. I am not criticizing him specifically as a person; I am saying this is not the kind of person we need today. There is nothing in his background to suggest he is up to the task this urgent hour requires.

More troublingly, Mr. Donovan himself has a poor record of financial management at HUD. He is the Secretary of Housing and Urban Development. During his tenure HUD has received repeated and stark criticism from his own agency's inspector general. They appoint, within these Cabinet positions, an inspector general who analyzes and acts independently to advise the Secretary and the Congress if something is wrong. Well, I would suggest what I am going to say evidences that Mr. Donovan's skill is in spending money and making investments rather than saving dollars and managing money.

His record at HUD shows he spent money illegally, violating the Antideficiency Act—a very important act. On the great financial issue of our time—our Nation's crippling debt burden—I asked Mr. Donovan at the hearing in the Budget Committee about what he would propose to fix the unsustainable debt course. Shouldn't he do that? He offered no serious ideas to get our debt under control. Clearly, he has no intention of providing the leadership needed to reverse our disastrous current debt course.

For instance, the President's most recent 10-year budget plan he submitted would break the in-law spending limits he agreed to and increase our Nation's total debt by an average of $800 billion a year. Over the next 10 years, under his budget plan, we could be expected to average deficits of $800 billion a year, almost $1 trillion. Indeed, in the 10th year, it is virtually $1 trillion.

I asked Mr. Donovan about this and he replied:

> The President's . . . budget includes fully-paid for, fiscally responsible investments that will create jobs, grow the economy, and expand opportunity for all Americans.

That is the answer we got. I submit that is not responsible. That is not serious. He is not in touch with reality.

When Mr. Donovan was forced to admit in follow-up written questions that the President's budget plan would add $6 trillion to the public debt over the next 10 years, he called the increase ''nominal.'' It is precisely this cavalier attitude from government elites that is leading our Nation to financial catastrophe. CBO says these deficits put us on a path to a fiscal crisis. Last year we paid $220 billion in interest on our $17 billion debt. But the -

Congressional Budget Office projects that interest rates are going to return to more normal levels in a few years and we continue to add more deficits every year. They project that in 10 years, interest on the debt will be $800 billion. It will pass the defense budget—interest in 1 year will pass the size of the defense budget by 2019. This is dangerous. We cannot continue on this course.

I would also share that in talking to my colleagues about their discussions with Mr. Donovan, they expressed concern that when he met with them individually, he lacked basic knowledge about the fundamentals of the Federal budget. Consider the written testimony he later provided to the committee about his specific plans for entitlement reform—mandatory spending reform. He said:

> I have not . . . written any papers or given any talks or lectures that specifically lay out a comprehensive plan for Medicare or Social Security.

So this is the person who is supposed to coordinate the effort to rein in spending and put us on a sound path. I would say not only has he not written any papers or given any lectures, I am not aware he has given any thought at all to fixing Medicare and Social Security, two of the biggest challenges this Nation faces. I don't think he has ever expressed a serious thought about these issues.

In response to one question about Medicare data, Mr. Donovan told me the data did not exist. But the data does, in fact, exist. And his response cited the very report from which the data was found. At his hearing, Mr. Donovan could not answer fundamental questions from Senator JOHNSON about the Social Security trust fund. That is very important. With only 2 years left in the President's Administration, the Nation needs to have someone at OMB who can hit the ground running, who knows these issues.

I asked him about defense. I am a senior member of the Armed Services Committee. He didn't understand the F–35 program. He is not able to converse intelligently about the troop levels we are talking about having to reduce. He couldn't talk about aircraft carriers—something he has never had any experience with whatsoever. That is why he couldn't talk about it, and he has never given any thought to it.

This lack of basic knowledge and professionalism is evidenced in the inspector general reports about his tenure at Housing and Urban Development. Here, for instance, is a representative example from an IG report issued on February 19 of this year about his multifamily project refinances program. They came up with a plan that supposedly refinanced housing loans and saved money. This is what the inspector general said:

> HUD did not have adequate controls to ensure that all Section 202 refinancing resulted in economical and efficient outcomes.

They went on to say:

> Specifically, (1) HUD did not ensure that at least half the debt service savings that resulted from refinancing were used to benefit tenants or reduce housing assistance payments, (2) consistent accountability for the debt service savings was not always maintained, and (3) some refinancing were processed for projects that had negative debt service savings—

In other words, instead of saving money, the refinancings cost money.

> —which resulted in higher debt service costs than before the refinancing.

It goes on to say:

> These deficiencies were due to HUD's lack of adequate oversight and inconsistent nationwide policy implementation regarding debt service savings realized from Section 202 refinancing activities. As a result, millions of dollars in debt service savings were not properly accounted for and available, the savings may not have been used to benefit tenants or for the reduction of housing assistance payments, and some refinanced projects ended up costing HUD additional housing assistance payments because of the additional cost for debt service.

That is not the kind of glowing review one would hope to accompany a nominee to an office who would oversee the entire Government of the United States of America.

But the problems get worse. Every year, the HUD inspector general conducts an audit to determine if HUD's financial statements are in order. When an agency's financial statements are in order, that agency is awarded an unqualified or clean audit, meaning there are no material defects in the way the agency is managing its books. For the years 2012 and 2013, under Secretary Donovan's leadership, HUD received failing grades or a qualified audit, which means material problems were found with HUD's financial statements. Twenty-four agencies undergo the audit process every year. Only two failed in 2013: HUD and DOD. And we all know DOD has never yet reached the kind of accounting the government requires in that massive agency. So HUD is the only non-DOD agency that failed last year.

Whereas DOD has historically had problems with financial statements, HUD had, prior to Mr. Donovan, received clean reports. The inspector general, in failing Mr. Donovan, noted that HUD had improper budgetary accounting and lacked proper accounting for cash management. HUD, under Mr. Donovan's watch, was also recently charged with an Antideficiency Act violation by the inspector general—a big problem, in my opinion. It is serious.

The Antideficiency Act essentially prohibits government employees or agencies from spending money that has not been appropriated by Congress. No President, no Cabinet Secretary can spend money under the Constitution that has not been appropriated for that purpose by Congress.

So according to information received from the HUD inspector general, HUD, under Mr. Donovan's watch, has at least seven instances of violating the Antideficiency Act. These violations include overobligation of personnel or payroll funds, making student loan payments in excess of the funds allowed for that purpose, and obligating funds that were no longer available, and some of these were done after clear warnings to stop it.

In one of the most recent violations, HUD paid more than $620,000 to a senior adviser to Secretary Donovan—personally his adviser, his staff—but they paid for it not from Mr. Donovan's budget for that purpose—to hire staff with—they paid for it out of the Office of Public and Indian Housing funds even though Mr. Donovan's adviser in his office was not employed in the Office of Public and Indian Housing section. This adviser's pay was required to come from the funds in the secretary's office, his budget.

The inspector general found that HUD had ignored the advice of its own legal counsel and disregarded concerns that had been previously expressed by the House Appropriations Committee on antideficiency matters at HUD.

I do not see how he could not be aware of this. This is his own adviser. His own lawyer said: You should not pay for it out of the Office of Public and Indian Housing funds. But he did it anyway.

Congress had specifically addressed HUD's salary funding for the Secretary's senior advisers—it had been a subject of House discussion, which is unusual—and previous ADA violations. According to a July 26, 2010, House of Representatives report, ''all senior advisors to the Secretary should be funded directly through the Office of the Secretary.'' Of course. In addition, a HUD appropriations attorney in the HUD staff wrote in a January 13, 2011, email that a special adviser to the Office of the Secretary would need to be paid by that office—the Secretary's office—and not another office within HUD. Despite the direction in the House report and guidance from his own appropriations attorney, HUD paid this adviser for his services from the Office of Public and Indian Housing program.

Subsequently, in June 2012, Congress again admonished HUD for the lack of staffing data it provided and had available internally. Congress wrote:

> This lack of essential information led to multiple Anti-Deficiency Act violations in fiscal year 2011, in which HUD hired more people than it had resources to pay. To date, HUD has not even tried to address these problems and thus the Committee has no faith in HUD's ability to appropriately staff its operations.

It is a very serious criticism of the management ability of the man now put in charge of managing an entire government. It is not the kind of activity that warrants a promotion.

Finally, I have to say this. I have to mention this little matter: Mr. Donovan's membership in the Owl Club at Harvard—an item many of our Democratic colleagues found most reprehensible when Justice Alito came up for

confirmation for the Supreme Court. This is a club the late Senator Ted Kennedy, resigned from because it did not admit female members. Indeed, Harvard kicked the club off campus in 1984, but that was the very year Mr. Donovan became a member and remained so until 1987. I have heard no complaints from my colleagues about Mr. Donovan's membership in the Owl Club even after it was kicked off campus, but they howled mightily when Justice Alito was found to be a member of a similar club at Princeton.

So I would ask my colleagues, in conclusion, does this sound like the background of someone who really is the right man for the job at this time? That is my fundamental concern. I do not believe his background, skills, and record indicate he is ready for one of the toughest jobs in government.

This President, even more than most Presidents in their second term—and they all tend to do this—is surrounding himself closer and closer with a small group of political loyalists—Secretary Lew, Secretary Johnson, Secretary Perez. So do we need another loyalist who protects him better? Wouldn't the American people and the President himself be better off with a strong, capable manager who can see through all the fog and the political falderal and make good decisions, preserving the taxpayers' resources?

We need someone who will act independently on behalf of the President and the American people, who will respect the jurisdiction of Congress and legitimate congressional powers, who will follow the law and submit a Medicare plan, as the law requires, because it is going into default. The law says if it goes into default and the Medicare trustees send a notice—and they have—the President is supposed to submit a plan to fix it. OMB is the place that has always come from. It has come from there previously. And shouldn't he tell the White House no if he is asked to do something that is improper for the financial future of America?

Well, I do not like having to oppose Mr. Donovan. He seems like a nice person. But he is the wrong man for this important job. I think he has been chosen for the wrong reasons, not for the right reasons. I will oppose his nomination. The President himself, I truly believe, and the Nation would benefit from the most capable, strong, and competent nominee the country can produce at this critical time. That's not Mr. Donovan.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

(The remarks of Mr. KAINE and Mr. PORTMAN pertaining to the introduction of S. 2584 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President, the committee which I am privileged to chair, the Homeland Security and Governmental Affairs Committee, and on which Senator PORTMAN serves is responsible for working with the administration and others to help make sure that Federal agencies work better and more efficiently with the resources we entrust to them.

During my years of public service, I have learned that an essential ingredient in enabling organizations of any type to work well is leadership. It is what they say about integrity: If you have it, nothing else matters; if you don't have it, nothing else matters. In an organization, if you have great leadership, that is most important.

That is the case both in government and the private sector and in organizations large and small. Part of our responsibility here is ensuring that we have effective leaders in place across our Federal Government.

It is every Senator's constitutional role to provide advice and consent on the President's nominations in a thorough and timely manner as part of the Senate's confirmation process.

Today we have an important nomination before us. It is the nomination of Shaun Donovan to be Director of the Office of Management and Budget. I wish to express my sincere gratitude, not just to Secretary Donovan for his willingness to take on this critical role, but also I wish to thank his wife. I would like to thank his two boys who joined him at a hearing, and I want to say if my son were that age, there is no way he could sit through that: attentive, listening, thoughtful. What a tribute to their dad. It is all well and good what the rest of us think, but to have that kind of show of support from teenagers is pretty amazing these days.

While Shaun has very large shoes to fill left by Sylvia Mathews Burwell, I believe he is up to the task and, maybe more importantly, she believes he is up to the task. Sylvia is somebody who we admire deeply around here. She did a great job as OMB Director. She is now the Secretary of Health and Human Services.

She has known Shaun Donovan since they were undergraduates together at Harvard. She knows what he is made of, she knows his values, she knows just how smart, how bright, and also just how hard-working he is, and she has known him for a long, long time.

Secretary Donovan's nomination was successfully reported out of both the Senate Budget Committee and the Senate Homeland Security and Governmental Affairs Committee. I am hopeful that we will be able to do our part today and vote to fill this key vacancy.

We know that Secretary Donovan is a strong leader who can take on and solve tough problems. As Secretary of the Department of Housing and Urban Development for the past 5 years, he has guided our Nation through one of the worst housing crises in our lifetime.

We also know that Secretary Donovan is someone who can cut through red tape and work together with agencies more effectively. That is precisely why the President asked him to chair the Hurricane Sandy Rebuilding Task Force—and boy did he do a job.

He has also had high-level experience in local government, as commissioner of the New York City Department of Housing Preservation and Development, and has worked in the private sector and the nonprofit sector. He knows this job. He knows his governing responsibilities from all angles. He knows how the Federal budget is impacted not only by Federal agencies but communities, businesses, and individual Americans and their families.

I believe he has the diverse experience, strong work ethic, and leadership skills to get the job done and successfully continue his public service as Director of OMB.

As Director of the Office of Management and Budget, Secretary Donovan will be faced with helping to lead our country back to a more fiscally sustainable path. Let me just say, 5 years ago when this administration took office, they inherited a deficit that was $1 trillion. After the stimulus package, it was $1.4 trillion. This year we expect it to have been reduced by two-thirds. Is that good enough? Should we be satisfied and pat ourselves on the back? No, but we are headed in the right direction. Under Shaun's stewardship we will continue to do just that.

I believe that the grand budget compromise that we need, though, must have three essential ingredients:

No. 1, we need entitlement reform that saves money, saves those programs for our children and grandchildren, and does not savage old people or poor people.

No. 2, we need tax reform, and not only to lower—in my view—the corporate rates to be competitive with the rest of the world. We can forget all this inversions mess—the nonsense that is going on. We need to do that but also do tax reform and do it in a way that actually generates some additional revenues, and then we use those revenues for deficit reduction.

No. 3, we need to look at everything we do in government and ask this question: How do we get a better result for less money—everything we do from A to Z—and act accordingly.

OMB is critically involved in all three of those approaches, whether it is entitlement reform that is consistent with the values for the least of these in our society or tax reform that generates some additional revenues and lowers corporate rates. We are actually getting more for our money in everything we do.

OMB is essential and critical, and the OMB Director is going to be the point person for making sure we continue to make progress in each of those three areas.

I know from my own conversations with Shaun Donovan—which now stretch over 5 years—he will be a strong voice for fiscal responsibility and effective government management.

As Senator COLLINS and I pointed out in introducing Secretary Donovan before our committee just a couple of weeks ago, he is known for using rigorous data analysis to demand better results from government programs and to save taxpayer money. She also pointed out he will be a leader of integrity and intelligence in a critical job.

I mentioned the word ''integrity'' before, and I will say it again: Integrity, if you have it, nothing else matters; if you don't have it, nothing else matters.

He has integrity. He is a bright guy, a very smart guy, hard-working, a wonderful family, and a great track record—not just in government but in the private sector, nonprofits, local, State, and Federal governments.

He has demonstrated what he can do leading a big agency such as Housing and Urban Development and how he can lead in a cross-agency way when we were suffering under Superstorm Sandy, which came right through our part of the country.

I think he is well qualified for the position for which he is nominated. I am pleased the President nominated him, and I am pleased Sylvia Mathews Burwell is still around over at HHS.

Sean has done a wonderful job at HUD, and he will do a great job at OMB. I am pleased to support his nomination, and I hope all my colleagues will as well.

I ask unanimous consent that the vote on confirmation of the Donovan nomination occur at 2:05 p.m. and that Senator MURRAY be in control of the final 2 minutes prior to the votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Louisiana.

UNACCOMPANIED BORDER CHILDREN

Mr. VITTER. Madam President, I rise today to discuss the growing crisis of unaccompanied alien children streaming across our southern border. It has been called a mounting crisis, including the security crisis it is. There are some 52,000 who have come across in the last several months, according to recent reports—up from just a few thousand 1 year ago—and the threat is that will grow significantly. It is continuing to grow.

This has been called a humanitarian crisis, and it is. These are, in most cases, vulnerable children who were taken through by human smugglers, by drug cartels, by other folks who do not—absolutely do not—have their best interests in mind. These children are often mistreated in all sorts of despicable ways through that journey.

How do we address this crisis? It seems to me we need to get our core response right, and the only way to stop this increasing flow is to make clear this activity will not be successful.

The only way to do that is to detain these illegal aliens in our country and keep them under our supervision until we quickly deport them to their countries of origin.

That is the only response, the only message, the only visual that will stop this mounting flow from continuing to grow. That is the most humanitarian response that will stop more and more of these Central and South American children from being put in this illegal trade and being victimized along the way.

Now, unfortunately, so far, that is not the response President Obama has made.

After speaking for weeks about the 2008 change in immigration law as a factor in this scenario, when President Obama presented a request to Congress on this issue, he did not request any change in that law. He talked about it. He pointed to that law for weeks saying this was the root cause of the problem. Yet in his request to Congress he is not proposing we change that law.

Instead, all he is proposing is more money—a lot more money—$3.7 billion. Now, some more response and some more resources are undoubtedly necessary, but the lion's share of that, again, doesn't go to enforcement, doesn't go to deportation, doesn't go to sending these illegals back to their home country quickly, humanely, and efficiently. It goes to feeding them and housing them in this country for an extended, indefinite period of time.

That is not what we need again.

What we need, instead, is whatever changes to the law are necessary to allow us to detain these folks in a proper, humane way and quickly move them back to their home countries. We need the will and the resources to get that done in a quick, efficient way. That is what I will be proposing with many others in both the House and the Senate.

For this to work we also need the will and the cooperation of the administration, and I am concerned that there isn't that real focus, real determination, and real will. It is great to have the right law written down on a piece of paper, the right words on a page, but it is equally as important—perhaps more important—to have the right administration, the right spirit, the right execution, the right follow-through on those words on a page.

Unfortunately, we haven't had that in the Obama administration either.

The Los Angeles Times, not exactly a right-leaning publication, has noted that deportations of illegals has plummeted from the high in 2008, plummeted every year since then, to an absolute low in 2013 of about 1,669—from a high of 8,100, down each and every year to 1,600.

This first drop probably had a lot to do with the change in the law to which President Obama has alluded. We need to fix that. But these other drops have to do with the spirit, the focus, and the determination—or lack thereof—of the present administration.

Similarly, about 600 minors—all illegals—were ordered deported each year from nonborder States a decade ago—a decade ago 600 and last year only 95. Again, this is the same plummeting trend, the same absolutely plummeting trend. That is what we need to fundamentally reverse.

To reverse that I have joined with other Members, as I suggested, to get the right solution in Congress, both changes in the law we need to make and the resources we need to hold these illegal aliens and quickly turn around the flow and send them back to their home countries. That is why I have joined already with Senator FLAKE in his amendment, which he was trying to propose on the Senate floor this week, to repeal the troublesome part of the 2008 law.

That is why I am going further and drafting additional legislation to give this administration the mandate, the ability, the directive it clearly needs to change that practice and to change that policy—not to allow these illegals to be released into the country simply on the honor system that they might show up for a court date—we know that well over 90 percent never show up—and not simply send more money to HHS to properly care for these illegal aliens with no end in sight.

Of course, they need to be properly treated and cared for when they are in this country and beyond, but we should not just write a blank check to keep them here forever but change the law and have the procedure in place to detain them—not to release them—and to quickly, effectively, bring them back to their home country.

That is what happens in a much more routine way for illegal aliens from border countries such as Mexico and Canada. That is what happens effectively in those situations. We need to mirror that. We need to copy that and make sure that happens effectively when the illegal alien is from a border State.

I wrote a letter to DHS Secretary Johnson back in January of this year regarding this very issue, before it became the current crisis, regarding reports detailing actual DHS assistance in the completion of smuggling illegal alien minors.

In that case, a smuggled child in many cases was transferred to illegal alien parents actually by DHS—by HHS's Office of Refugee Resettlement. So actually, in those cases, the Federal Government was not completing the object of the criminal conspiracy—was not stopping the smuggling, not punishing the smugglers, but completing the operation. Again, it is another classic case of sending the wrong message—a message that will increase the flow and increase the problem, not decrease it.

Ultimately, that goes back to the humanitarian issue too, because encouraging human smuggling enriches drug cartels, allows them to continue using violence as a means to an end, and wages war on Mexican and American citizens alike as well as the folks involved from Central and South American countries.

We need to change that basic message. We need to turn around those

basic incentives. The only way to do that is to have a law and the execution of the law that is reversing that flow, that is apprehending these folks, that is treating them humanely, that is not releasing them out into American society, and that is quickly and effectively returning them to their home countries.

That is the only message, that is the only visual, that will stop this mounting wave and will address the horrible humanitarian problems that flow directly from it.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I come to the floor for the last minute of this debate to support Sean Donovan's nomination to be Director of the Office of Management and Budget.

I have worked very closely with Secretary Donovan over the last 5 years, and I know he has the skills and experience to work with Congress on creating jobs and tackling our long-term budget challenges fairly and responsibly.

In his role as Secretary of Housing and Urban Development, Secretary Donovan has proven time and again that he is focused first and foremost on strengthening our middle class by expanding opportunities for families and communities.

From his work on stabilizing the housing market following the financial crisis, to reinforcing the agency's role in providing access to affordable housing and building strong, sustainable neighborhoods, to ensuring communities hit hard by natural disasters have the resources they need to get back on their feet, Secretary Donovan has been a highly effective and responsive leader and a great partner to us in Congress, Democrats and Republicans alike.

Secretary Donovan's nomination passed through the Budget Committee with bipartisan support. I am confident he will bring these strengths and many more to the OMB. His leadership will be critical, because while we have made progress on our budget challenges, there is a lot of work yet to be done.

I look forward to working with Secretary Donovan to strengthen our fiscal outlook over the long term and ensure we can make critical investments in jobs and opportunities to support our families, workers, and the economy. I know Secretary Donovan will be a great partner in addressing these challenges, and I urge my colleagues to support his nomination.

I yield the floor.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Shaun L.S. Donovan, of New York, to be Director of the Office of Management and Budget?

Ms. COLLINS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Hawaii (Mr. SCHATZ) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 75, nays 22, as follows:

[Rollcall Vote No. 221 Ex.]

YEAS—75

Alexander	Flake	Merkley
Ayotte	Franken	Mikulski
Baldwin	Gillibrand	Murkowski
Begich	Graham	Murphy
Bennet	Hagan	Murray
Blumenthal	Harkin	Nelson
Booker	Hatch	Portman
Brown	Heinrich	Pryor
Burr	Heitkamp	Reed
Cantwell	Hirono	Reid
Cardin	Hoeven	Sanders
Carper	Isakson	Schumer
Casey	Johanns	Shaheen
Chambliss	Johnson (SD)	Shelby
Coats	Kaine	Stabenow
Coburn	King	Tester
Cochran	Klobuchar	Udall (CO)
Collins	Landrieu	Udall (NM)
Coons	Leahy	Vitter
Corker	Levin	Walsh
Crapo	Manchin	Warner
Donnelly	Markey	Warren
Durbin	McCain	Whitehouse
Enzi	McCaskill	Wicker
Feinstein	Menendez	Wyden

NAYS—22

Barrasso	Inhofe	Roberts
Blunt	Johnson (WI)	Rubio
Boozman	Kirk	Scott
Cornyn	Lee	Sessions
Cruz	McConnell	Thune
Fischer	Moran	Toomey
Grassley	Paul	
Heller	Risch	

NOT VOTING—3

Boxer	Rockefeller	Schatz

The nomination was confirmed.

VOTE ON SILLIMAN NOMINATION

The PRESIDING OFFICER. There is now 2 minutes of debate prior to a vote on the Silliman nomination.

Mr. HARKIN. Madam President, I ask that we yield back all time.

The PRESIDING OFFICER. Without objection, it is so ordered.

All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Douglas Alan Silliman, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Kuwait?

The nomination was confirmed.

VOTE ON SMITH NOMINATION

The PRESIDING OFFICER. There is now 2 minutes of debate prior to the vote on the Smith nomination.

Mr. HARKIN. Madam President, I ask that we yield back all remaining time.

The PRESIDING OFFICER. Without objection, it is so ordered.

All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Dana Shell Smith, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Qatar?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

TERRORISM RISK INSURANCE PROGRAM AUTHORIZATION ACT—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, the Senator from Minnesota was going to be recognized first. She is not in the Chamber, so I will go first and then we will get back in order.

I ask unanimous consent to be recognized for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN POLICY

Mr. INHOFE. Madam President, now that the results are in, I think it is time to talk again—as we did 5 years ago—about what is happening on what I consider to be the greatest failed foreign policy we have experienced.

When we look around the world and we see what happened and what is going on now—and this may be a narrow opinion—it is a result of the apology tour President Obama took immediately after becoming President of the United States.

I remember standing at this podium at that time and saying you don't go to the Muslim world and say: I will not make a speech until we have the Muslim Brotherhood coming with their required numbers. That was not good. This is a deviation from what we always stood for and that was certainly a slap in the face of our best friends in the Middle East, Israel.

Two weeks ago, three Israeli teenagers were found dead in shallow graves in a West Bank village, and it was such a tragedy, and, of course, reciprocity has taken place since then. Hamas has launched over 365 rockets indiscriminately into the Israeli civilian population. I have to say that when I look at some of the things we have worked on together with Israel—for example, the iron dome has performed very well during that period of time. Also, I will say that Prime Minister Netanyahu responded with some 700 or so airstrikes primarily using F–16s and doing it very well. This started 5 years ago, and we have had unrest in that area ever since then.

The Israeli Defense Minister said this week: ''We are preparing for a battle

against Hamas which will not end within a few days.''

Obviously, I strongly support our greatest ally in the Middle East, and so often we do what we can to directly and indirectly continue that support. There has been unrest in Israel for the past 5 or 6 years.

We sent letters to the President some time ago regarding Iraq in 2013. We said when you leave Iraq, be sure to leave the intelligence and the logistics. You cannot just walk out. Yes, we have great trained fighters in the Iraqi security force, but they cannot be totally on their own. They needed to have ISR support. ISR is intelligence and reconnaissance. We have to learn a lesson from this so we don't make the same mistake in Afghanistan. But nonetheless, we did. So now Al Qaeda-inspired terrorists have returned and have overtaken key cities.

ISIS is the most terrifying terrorist group out there. They have taken over towns such as Mosul, Tikrit, Ramadi, and Fallujah.

I have a guy who works for me as a field representative in my State of Oklahoma. His name is Brian Hackler. Prior to the time he came to work for me, he was in the Marines. He was actually deployed twice to Fallujah. If you will remember, Fallujah was the closest thing we had to door-to-door combat like we had in World War II, and we lost a lot of lives.

When I called him, he had not yet heard that we lost Fallujah after they took it over. He actually physically cried. He said, the blood, the sweat, and the tears of all of my friends. He said, we had that secured, and we have now lost it.

We are doing everything we can now to rectify that situation. I am glad the Obama administration is doing what we asked them to do 2 years ago. While we will lose lives, hopefully we can keep the terrorists from having a safe haven in that area.

I am very much concerned about what has happened in Iraq. While the President continues his assessments, it leads me to wonder what the people in our embassy have been doing over there. We are empowering Russia and Iran to lead and become key influences in the region.

Iran reportedly has two battalions of the Iranian Revolutionary Guard Corps, the IRGC, in Iraq. It is kind of funny. Right now a lot of people are saying Iran is our friend. Let's keep in mind that our intelligence determined quite a number of years ago that Iran will have the weapon and the delivery system for that weapon by 2015. Well, 2015 is on us now, so I think if anyone out there is naive enough to think we can depend on Iran to help our situation, they are sadly mistaken.

We have a very serious problem now in Iraq. While the United States has most recently provided some equipment intelligence, this is what we should have been doing and preparing for 2 years ago. Since January, Prime Minister Maliki has asked for help, and the President waited until it became a dire crisis.

Then there is Afghanistan. We know what is happening in Afghanistan. Currently the Presidential election in Afghanistan has taken place. The primary took place and the runoff took place, but the problem is it is obviously a sham. The election is not an honest, transparent election. I believe there is no greater threat that can be imposed on us than by allowing the people of Afghanistan to look at an election and find out it is a rigged election.

I will give an example. While we have not taken sides in this country between Abdullah Abdullah and Ashraf Ghani, I personally would fall down on the side of Abdullah. It seems as though all of the real problems in that election ended up benefiting Ghani as opposed to Abdullah.

For example, in one province—it was Wardak Province—17,000 votes were cast in April. Now the runoff came along and 170,000 votes were cast. If you stop to think about it, that is mathematically impossible, so we know that is rigged. While everyone agrees that Ghani's support is in the rural areas, I would defy anyone to come down to the Senate floor and point out an election that has ever taken place where you have a much larger percentage of rural votes as opposed to urban votes. There is a logical reason—rural voters have to walk a long way to get to the polls and some voters can't get there as easily.

The results of the runoff: There was a 75-percent turnout from the rural areas as opposed to a 24-percent turnout in the urban areas. That couldn't happen. We have to have an audit. I think everybody agrees we have to have an audit, but it has to be a thorough and transparent audit. We have to be sure the Afghan people, when they determine the outcome of this election, know it was a legitimate election so they can rejoice in it.

I think most everyone knows a few hours ago Abdullah declared victory in spite of the fact that the first count I described showed him as losing.

We have this problem right now. It is a problem I hang on President Obama and his administration because we told them in advance what needed to be done to avoid this type of situation from happening.

We are now looking at a situation there that is one where we can act now and preclude something from happening there and is happening as we speak in Iraq.

Remember what took place in terms of the five Taliban terrorists who were released. We thought—and I felt all the time—that was a very controversial issue. A lot of people wanted to close Gitmo, and I have strong feelings against that. We need to have that facility and that resource, which I will explain in a moment.

When the President turned the five Taliban leaders loose—these were the most brutal and heinous of all the terrorists who were in Gitmo. There were five of them. When they found out, they were celebrating. One of the terrorists released was referred to as the toughest of all of them. One of the top people who was on the other side of the Taliban said in response to the release of the terrorists that this is the Taliban rejoicing that the President has turned loose five of the terrorists who were incarcerated in Gitmo. They said it is like putting 10,000 Taliban fighters into battle on the side of jihad. Now the Taliban have the right to lead them into the final moments before victory in Afghanistan.

We all knew the President should not have done it. Anticipating that the President was going to do this, the last bill we passed before the current one, which is on here, we put language in there anticipating that the President, in order to reach his goal and ultimately close Gitmo, might take some of the worst individuals and turn them loose. We put language in there from section 1035(d) of the Defense Authorization Act. He said the President had to notify us 30 days in advance if he was going to release or make any transfers from Gitmo. He blatantly broke that law and did not do it. Everyone was on our side in terms of why we should not let this, what they referred to as the ''Taliban dream team,'' be turned loose. Right now, supposedly, there is some kind of a deal made where they are in Qatar for a period of a year, but even if they were able to enforce that—stop and think about the theory behind this. The President is saying in essence we are going to turn you guys loose but you have to promise not to kill Americans for a period of a year. Because it says for 1 year they have to remain under some level of control by a country that hasn't even told us how they are going to do that. Consequently, I have no doubt they are free to go anywhere they want.

We had reviews conducted by the Department of Defense, Department of State, the Department of Justice, Homeland Security, the National Intelligence, and all the rest of them saying these five people are too dangerous to release. Leon Panetta, who was the Secretary of Defense at that time, made the same statement. He said these people are too dangerous, as did General Dunford. By the way, General Dunford, who is the commander in Afghanistan, was not even notified in advance this was going to take place.

So we have all of these circumstances that are going on right now. We have the law that was broken. My feeling has always been, as we are getting down midway into the President's second term, looking at what he is going to have for a legacy, one of his desired legacies would be to close Gitmo. He has talked about that for a long period of time. I think the American people have now caught on, because there is a poll on June 13 by Gallup that shows 66 percent of Americans oppose the closing of Gitmo. So this has changed now.

Why is it important? There is no place else anywhere in the world where we can put these enemy combatants. These guys are not criminals; they are enemy combatants. They are terrorists. And when the President came up with the original idea of putting them into our prison system, we had to go and make sure everyone was aware they are terrorists and not criminals. By definition, they teach other people to be terrorists. If there is anything we don't want in our prison system, it is for all of those criminals to learn how to become terrorists.

We have had Gitmo since 1903. It is one of the few good deals we have wherein we pay a little over $4,000 a year for that facility. We should stop and see the advantages we have in Gitmo as opposed to putting them someplace else where they can either get out through jail breaks, as has been happening, or if they were to be intermingled in the United States with our prison population.

One of the places, incidentally, that the President first wanted to send the Gitmo inmates was to Fort Sill in my State of Oklahoma. I went to Fort Sill and they said, We don't have the capability here to get this done. So what we want to do is—in fact, the lady who runs the facility at Fort Sill said, I don't know what it is that individuals don't understand. She said she had three deployments to Gitmo. It is the perfect institution for these people. They are well taken care of. The Red Cross and everyone who goes down there says, Yes, the health facilities are better than they have ever had before, the food is the best they have ever had. So it is a facility we need to continue to use.

BENGHAZI

Lastly, before I completely run out of time, I want to jump ahead a little bit and mention Benghazi. I think it is important for us to understand there are four people in our system who advise the President of the United States. We have the CIA Director who, at the time this happened in Benghazi, was John—anyway, the CIA Director; the Director of National Intelligence, that was James Clapper; the Secretary of Defense, who was Leon Panetta; and the Chairman of the Joint Chiefs of Staff, General Dempsey. All of those people said they knew unequivocally, in Benghazi, when they bombed the annex, it was an organized terrorist activity. I think right now people are realizing that was the real issue. It is not who is responsible for it; it is the fact that we knew it was going to happen. Our Ambassador, who was killed, gave us ample warning for well over a month and a half before it took place that it was going to take place.

So I think we understand now why Gitmo is important and we understand the whole reason this is taking place. I am certainly hoping we can stick together and make sure we don't end up losing one of the most valuable facilities we have in this day of terrorists by having to close it down.

We have a serious problem. I think if there is anything we should learn from this, it is, No. 1, we have a valuable institution called Gitmo. No. 2, what is important is that we don't let happen this year what happened last year. Last year we didn't get the NDAA bill until December. If we had gone to December 31, there would not have been hazard pay and a number of bad things would have happened, but we ended up finally at the last minute getting it done. I have talked to both the majority and minority leaders about the advisability of bringing the NDAA to the floor of the Senate, and consequently we now have invited Members to send their amendments down. We have almost 100 amendments already on the floor. So I am hoping during the next week, we can come down with a specific date—hopefully before the August recess—where we can bring up the NDAA and let the people know who go over there risking their lives that we are going to be here to support them. We are going to be putting together an NDAA bill.

I know my time has expired. I will not suggest the absence of a quorum quite yet because no one has arrived.

Going back to Benghazi, everybody had the information on Benghazi. I neglected to mention we also had General Hamm come in and testify before us, again, that he was one of several who was fully aware of what happened.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Ms. KLOBUCHAR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. WARREN). Without objection, it is so ordered.

MINNESOTA FLOODING

Ms. KLOBUCHAR. Madam President, I come to the Senate floor today to speak about the recent heavy rain storms in Minnesota that have caused significant flooding in our State. This was not a one-day disaster. This was not a sudden flash flood such as we saw in Duluth a few years ago or a tornado coming in. This was, in fact, a disaster that occurred over a series of weeks where we had rainfall after rainfall after rainfall. From International Falls on the Canadian border down to Luverne, MN, on the Iowa border, torrential rains have washed out roads, bridges, and culverts, damaged infrastructure and caused significant crop damage. In some of our counties, 40 percent of the farmlands are under water.

These storms have led to states of emergency being declared for 51 of Minnesota's 87 counties. We have not seen anything like this for a while. It tended to be, in the past, that we had a corner of our State that would see trouble, but here we have 51 of Minnesota's 87 counties being declared a state of emergency.

Over the past few weeks I have visited many of these affected areas and seen the damage firsthand.

The city of Norwood Young America saw nearly 9 inches of rain in one night that caused more than $1 million in damage to its wastewater treatment facility. I saw how water-covered roads strained rural communities, how washed-out rail beds have caused another setback for our already-strained rail system, and how closed township bridges have further delayed shipments of agricultural products.

In southwest Minnesota, along with Senator FRANKEN and Governor Dayton, I met with farmers who were among those hardest hit by the storms. Up until a month ago, the same crop and pasture land in southern Minnesota that is now completely under water had been under drought conditions since 2011. And now not only are these farmers dealing with damage to crops, buildings, and fences due to the flooding, they also experienced losses in the past from a devastating hail storm.

In Rock County in southwestern Minnesota initial estimates indicate 100,000 acres of corn and soybeans are damaged, and the official U.S. Department of Agriculture number will likely be even greater. The extent of the crop damage is really not yet known. Excessive moisture can kill crops altogether or stunt their growth or put them at risk of diseases at lower yields. This disaster has repercussions that will be felt for months to come.

I talked with farmers in Luverne and in Mankato who are worried about how they will recover these losses and make ends meet. Farmers who were trying to finish planting now may have no hope of getting a crop into their flooded fields at all this summer, and those who did get a crop in are now watching their fields fill with water.

U.S. Department of Agriculture officials are still assessing the damage, and crop insurance adjusters are out in full force so that accurate reports can be filed with county FSA offices. This is a critical step to ensure that farmers and ranchers are not left out of the disaster assistance process.

Farmers operate at the mercy of the weather. Listening to stories of the great financial risk these small business owners face every single day—our State is a State of many small farms—it makes me proud of the work we did in the Senate and the work I did as a member of the Senate Agriculture Committee and conference committee to fight for permanent disaster programs with mandatory funding in the farm bill that we reauthorized earlier this year. If that were not in place, these farmers and, as a result, our food supply would be facing—Minnesota being one of the top agricultural producers in the country—a very uncertain future. These programs, in addition to the farm bill's improvements to crop insurance, will help provide a safety net for the farmers and the ranchers affected by the flood.

Last week Secretary Vilsack visited our State. He was up in the Moorhead area, and Senator HOEVEN, Senator HEITKAMP, Congressman PETERSON, and I met with him about some conservation issues up there with flooding. They are one of the areas of the State that have some flooding, but not as much right now; they usually have the most flooding. But when he was there he committed to me that the Farm Service Agency will do everything they can to provide any necessary resources and support for our farmers and ranchers.

Just yesterday the Minnesota FSA executive director informed me that she has directed county FSA offices to immediately begin holding community meetings to ensure that farmers and ranchers impacted by these floodwaters have the information they need. Because here we have a new farm bill, and while it is very similar to the last one, there are new rules in place. They have to make critical decisions about if they replant, if they can get emergency loans; what they should plant, if their fields have been devastated, including cover crop; and what is going to be happening in the next few months. They need the information.

Floods have a devastating impact not only on farmers but also on families and small businesses. The damage that these storms caused will not be undone overnight. There is still a lot of hard work ahead of us, and the long cleanup process has already begun. But we have already seen a swift and efficient response on the part of State and local officials. And in our State, FEMA may be a four-letter word, but it is a good four-letter word. When we saw what had happened in Grand Forks, the Nation was riveted many, many years ago by the flooding in North Dakota and Minnesota. That has recovered. Those are booming areas now. Fargo-Moorhead also experienced significant funding, and FEMA was involved and helped us there. We appreciate the work they are doing in assessing the damage now and the help we know will be coming.

It is critical that the Federal Government do its part to ensure that the resources these families, businesses, and communities need are there to get them back on their feet. Two weeks ago I spoke directly with the President in the White House about the flood damage across the State, and he assured me there would be an immediate Federal response.

That is why the action by Governor Dayton yesterday to formally request that the President issue a major disaster declaration was so important. That is why we sent a letter to the President—our entire congressional delegation; all of the eight House Members and the two Senators—urging swift approval of this request.

Although work to assess the damage remains ongoing, so far nearly $11 million in eligible damages has been documented in just eight counties. That is just eight counties. One county alone, we know, has $9 million in damage. This is well above the $7.5 million threshold that Minnesota has to meet to get the 75–percent Federal match for those counties that have $3.50 per capita damage. So we imagine that a lot of these counties will be getting Federal help for infrastructure damage at that 75–percent mark.

Believe me when I say Minnesotans just are not sitting around waiting for help. The hard work of assessing the damage continues this week and is even expected to extend into the following week. Even though the damage across the State has reached a level high enough to trigger eligibility, each county is doing its damage assessment.

In some States, as I say, they have had problems with FEMA, but in our State for the most part we have been happy with the work they have done. In my time as a Senator, I have seen the 35W bridge collapse, I have seen the Federal Government step in with inordinate help to get that bridge rebuilt in less than a year.

I saw a tornado come into Wadena, MN, and literally pick up a high school like it was in the ''Wizard of Oz,'' the bleachers landing a mile away. In that town—because of Federal assistance in alerting those citizens about how to use their emergency systems—because of an alarm system and a siren that worked, despite the fact that their high school looked like a bomb had hit it, a major, large high school—not one person was killed. There was a high school lifeguard watching over 40 little kids at a swimming pool. The sirens went off. The parents got there within 10 minutes and had them all gone, and the few kids that were left ran over with the lifeguard, who had the presence of mind to stay in a neighbor's basement who they did not even know. Not one person died because that siren system worked, because people had practiced, because they knew what to do, and because we had the emergency system in place.

That high school is now rebuilt. Along with that high school being rebuilt, there is a beautiful new company that was rebuilt that is in the farming area, in the farm financing area. Their company was devastated. They did not have a basement. All they had was one safe that the man had bought, and he had joked that it was big enough to hold a few employees. That day when that tornado hit, there were four employees on duty. They went into that safe. That was the only thing that remained of that business. When that man rebuilt, he bought a big enough safe for all 20 of his employees—a true story.

But this is how Minnesota responds to disasters. Few things are more humbling than standing in those kinds of wreckages. Natural disasters are humbling because they remind us that nature is still more powerful than all the technology we have. But they are also humbling because they bring out the best in our communities. From what I have seen in our State—from those emergency responders diving into the Mississippi River over and over to look for survivors in the 35W bridge disaster or what I saw in Fargo-Moorhead, where a man was volunteering to give out food and lunches at the emergency center and I said to him: Oh, thank you for volunteering. What brings you here? He said: I lost my entire house. I said: And you came to volunteer? He said: It is the best thing I could do with my time—those are the things that I remember.

What I remember from these floods across the State—where, again, despite this incredible damage not one person died in our State from this flooding—I remember, again, those first responders and the normal citizens who just got up and helped their neighbors.

We saw this spirit of solidarity when a 911 call came in from a woman who was driving home to Anoka, MN, from Sioux Falls, SD, when her car spun out of control and was swept away. Water was inching up to the windows.

State Trooper Brian Beuning pushed through the rushing water when she called for help. He got her out of the car and held on to her until help arrived. The car ended up in a field a quarter of a mile away. A boat tried to rescue them, but the current was too swift. Finally, two firefighters from Luverne, MN, tied themselves to a semitruck and got the woman and the trooper to safety. Rather than running from disaster, those first responders bravely ran toward it; and that is my State for you.

In the face of ice storms, historic floods, tornadoes, even the collapse of that bridge, Minnesota does not fall apart. Minnesota comes together. When disaster hits our State, we hit the ground running and do not stop until we have the resources in place to ensure our communities are made whole. That means local and State help, but that also means Federal help.

Thank you.

I yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOEVEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOEVEN. Madam President, I ask unanimous consent that I be allowed for the next 30 minutes to engage in a colloquy between myself, Senator MCCAIN, and Senator BARRASSO.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. HOEVEN, Mr. MCCAIN, and Mr. BARRASSO pertaining to the introduction of S. 2592 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. HOEVEN. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, what is the parliamentary situation?

The PRESIDING OFFICER. The pending question is S. 2363, the sportsmen's bill.

Mr. LEAHY. Madam President, I ask unanimous consent to proceed for 5 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESERVING AN OPEN INTERNET

Mr. LEAHY. Madam President, last week I chaired a field hearing of the Senate Judiciary Committee in Burlington, VT, on an issue of critical importance: preserving an open Internet. Our committee heard testimony about the need for concrete, fundamental protections to ensure that the Internet is not abused by those who control how we connect to the Internet.

The timing of the hearing was not a coincidence. I convened it during a week when Americans were gathering to celebrate what our Founders put in motion more than 200 years ago. While no one then could have imagined how important the Internet would become, the sentiment and priorities expressed at the hearing would have made our Founders proud. We heard from hard-working business owners and consumers about the role of the Internet in enhancing free expression, and also as a free and open marketplace where competition drives innovation.

I brought the Judiciary Committee to Burlington to show the Federal Communications Commission and Congress that the decisions we make on this issue will have deep and wide impact far outside of the Nation's capital, and in the economies of our local communities.

Witnesses at this field hearing warned of how the FCC's proposed approach to new Net neutrality rules would actually harm small businesses, community institutions, and consumers—the people we have in every one of our States whom we represent. I will give an example. Cabot Orton, the proprietor of the Vermont Country Store, testified that they started off as just a local general store in Vermont and now have an e-commerce site that accounts for 40 percent of their overall revenue. One-third of their 450 employees support those Internet transactions. These are a lot of people hired in our little State of Vermont because they have open access to the Internet.

Mr. Orton was clear about his concerns. He said:

> We're not asking for special treatment, incentives or subsidies. All the small business community asks is simply to preserve and protect Internet commerce as it exists today, which has served all businesses remarkably well.

I have to agree with him.

Another Vermont small business owner, Lisa Groeneveld, explained that her company Logic Supply spent money building a quality product, not purchasing preferential Internet access. She said that ''without an Open and Fair Internet based on the equal access, our business wouldn't even exist today.'' This successful company is an amazing example of how the Internet can help grow small businesses in Vermont.

Both of these witnesses testified that the success they have achieved with their online businesses would have been difficult to accomplish if the Internet had been a pay-to-play world when they initially launched their sites.

Think of all the companies, whether in Vermont, Massachusetts, or any other State, next year or the year after that want to launch online if suddenly the rules were different for them than for a company that has a lot of money.

We heard other perspectives too. Vermont's State librarian, Martha Reid, testified about the need to ensure equal access for those who rely on public libraries for their Internet access, which includes many people in rural areas.

Vermonters know of my love for the library I frequented growing up, the Kellogg Hubbard Library. I received my first library card there, in Montpelier, when I was 4. I went there to learn, not just to read.

Ms. Reid testified that ''all Americans—including the most disenfranchised citizens, those who would have no way to access the Internet without the library—need to be able to use Internet resources on an equal footing.''

Ms. Reid's testimony was supported by former FCC Commissioner Michael Copps, who explained that ''an Internet controlled and managed for the benefit of the 'haves' discriminates against our rights not just as consumers but, more importantly, as citizens.''

The testimony from these individuals offers a relevant selection of the real-world experiences that have to be heard by the FCC and Congress as this debate continues. That is why I took the hearing 500 miles from the Senate—so they could be heard.

I don't want to see an Internet that is divided into the haves and have-nots. I agree with the Vermonters who testified: I don't want to see an Internet where those who can afford to pay muffle the voices of those who cannot.

An online world that is split into fast lanes and slow lanes, where pay-to-play deals dictate who can reach consumers, runs counter to everything on which the Internet was founded.

Last month I joined Congresswoman DORIS MATSUI to introduce the Online Competition and Consumer Choice Act that requires the FCC to ban online pay-to-play deals. Open Internet principles are the bill of rights for the online world. We must get this right. If we fail to get it right, I guarantee that we will not get another chance and we will not have these companies growing and starting up throughout all our States.

I see the distinguished Senator from Montana here. I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

CONSTITUTIONAL AMENDMENT

Mr. TESTER. Madam President, back in 2012 the people of Montana stood up against the influence of corporations and big money in elections. By a 3-to-1 margin, they called on their congressional delegation to introduce a constitutional amendment overturning the Supreme Court's Citizens United decision. That ruling paved the way for more secret money in politics. It allowed corporations to make contributions to political campaigns on the grounds that corporations should have the same right to freedom of speech as any individual.

In response to the overwhelming vote by the people of Montana, I proudly introduced this amendment, which affirms what we all know: Corporations are not people, and they do not have the same rights as you or I.

Two years later Americans are realizing that Montanans were pretty forward-looking. That is because in Montana we value independence. We value our individual rights. And we don't think a faceless entity should be able to tell us what to do. We don't like it when secretive, shadowy groups try to tell us how to vote, and we don't like it when corporations dictate our health care decisions. But that is exactly what happened with last week's Hobby Lobby decision. The Supreme Court decided corporations can limit their employees' health care options, thereby restricting our individual freedoms. That is un-American. Affording corporations the same constitutional rights to speech—and now to religion—that Montanans and all American people cherish is the exact opposite of what our Founding Fathers envisioned. This is not freedom. It is a slippery slope to granting large corporations greater power over everyday Americans' lives.

With the Hobby Lobby decision, the Supreme Court found that corporations can hold religious-based objections to providing insurance coverage for certain medical care. The corporations do not have religions; people do. The First Amendment was meant to protect individuals' religious freedoms, not those of corporations. Now, the religious beliefs of corporations will dictate the health care options of people. It starts with contraceptive care, but where does it end?

It is clear that the Supreme Court is putting the rights of corporations over the rights of people. So much for treating all Americans equally. If you are a corporation with money, you could influence our elections to a far greater extent than ever before. Now, if you have a corporation, you can influence our access to health care too.

Justice Ginsburg said in her dissent:

> The decision would deny legions of women who do not hold their employers' beliefs access to contraceptive coverage.

Let me say that again. These are Justice Ginsburg's words:

The decision would deny legions of women who do not hold their employers' beliefs access to contraceptive care.

Where will this end?

Being a woman cannot be a preexisting condition. Contraception is basic health care, and 99 percent of American women currently use or have used birth control at some point in their lives. But now a manless, faceless corporation can stand between women and their access to this basic care, all because an activist Supreme Court thinks corporations have the same rights as people.

This Supreme Court continues to redefine individual rights as corporate rights: freedom of speech, freedom of religion. We have to ask ourselves, where will this end? It seems as if anything is possible when it comes to this Supreme Court, where five men can determine a woman's health care. But it doesn't need to be this way. My constitutional amendment makes it 100 percent clear that the rights enshrined in our Constitution are meant for the American people—real folks who work day in and day out to put food on the table—not corporate entities.

My amendment also allows the American people to once again regulate corporations through the representatives they elect in State and Federal government.

I encourage all my colleagues to join me and Senators MURPHY, BEGICH, WALSH, MARKEY, and WHITEHOUSE in supporting this commonsense step. But it is going to take a comprehensive approach to make sure real people, not corporations, are in charge. Whether it is elections or health care, people should be free to make their own choices without the undue influence of corporate entities.

Montanans voted in 2012 to limit constitutional rights to individual people, but it was 100 years earlier that we also voted to limit corporate influence in elections after wealthy mining companies bought influence and even paid for a U.S. Senate seat. We recognized the negative impact wealthy corporations were having on our electoral process. But this Supreme Court, using its Citizens United decision as justification, overturned our century-old law just 2 years ago, creating the same kind of election-spending free-for-all in Montana that we are witnessing nationwide.

Before the Hobby Lobby decision, the fight against corporate influence was mainly about making sure real people and their ideas were in charge of elections. But now it is no longer just about a democracy; it is about keeping corporations out of our private lives, out of our bedrooms, and out of our religious decisions. It is an even bigger fight now.

If you don't want to find out where corporate influence and the Supreme Court will go next, I would encourage you to join me and fight back with smart, responsible measures that will put real people back in charge of our lives. Our democracy has been under attack before but never to this extent.

Mr. President, I yield the floor. I would suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MARKEY). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE POWER

Mr. HATCH. Mr. President, the great pamphleteer of the American Revolution, Thomas Paine, famously characterized our Nation at its founding by asserting that in America the law is king. This sentiment has undergirded centuries of our Nation's political culture: The rule of law protects us from arbitrary government actions. It is what guarantees our liberties, it is what fosters our prosperity and our flourishing as a free people, and it is a source of our Republic's legitimacy. For as the Declaration of Independence teaches, governments derive their just powers from the consent of the governed.

For these reasons, when drafting the Constitution, the Framers obligated the President to take care that our laws be faithfully executed, but they were careful not to give the President the authority to make or change the law on his own.

Our Nation's Founders knew, in the sage words of Montesquieu, that ''in all tyrannical governments . . . the right both of making and of enforcing the laws is vested in one and the same man, or . . . body of men; and wherever these two powers are united together, there can be no public liberty.''

To safeguard our liberties as the Constitution requires, the Constitution vests Federal legislative powers in the Congress—the House of Representatives and the Senate—which were designed to engage in a particularly thorough and deliberative legislative process. By ratifying the Constitution, the American people established this system as the supreme law of the land applying to all of us—including the President.

Despite these Constitutional foundations, President Obama has simply decided that he ''won't take no for an answer'' when Congress refuses to go along with his far left agenda. In direct opposition to our centuries-old system of legislation and the binding authority of the Constitution, the President has audaciously declared that ''when Congress won't act, I will.'' And he has followed up these threats with a variety of unilateral executive actions, many of which are flatly inconsistent with the law and the Constitution.

Over the past weeks and months I have come to the Senate floor to speak out about a series of specific instances that exemplified the brazen lawlessness of this administration. This pervasive and illegitimate outreach has come in many different forms. We have seen the President regulate contrary to the plain text of the law, simply ignoring the clear commands of duly enacted Federal statutes. For example, a hallmark of the President's so-called pen-and-phone strategy has been an Executive order forcing contractors to raise their minimum wage. He issued this directive despite the fact that a Federal statute already governs the minimum wage for Federal contractors.

Although a different statute gives the President some discretion in the area of Federal procurement, its plain language demands, as courts of law have upheld, that there be a sufficient nexus between the President's orders and the statute's stated goal of efficiency and economy in Federal procurement. President Obama's order increasing contractors' labor costs by hiking their minimum wage is thus wholly inconsistent with the law.

We have seen the Obama administration seek to rewrite existing law and thereby usurp Congress's legislative authority through the use of conditioned waivers. Consider how the Department of Education has issued waivers of No Child Left Behind's requirements to 43 of the 50 States and the District of Columbia.

Even when Democrats had large majorities in both the House of Representatives and the Senate, President Obama refused to pursue legislative reauthorization of the statute to set realistic goals going forward. Apparently, he wanted to avoid spending his energies and political capital on a legislative process that might expose divisions within his own party or force him to compromise.

The President chose simply to establish an entirely different set of education policies by attaching his own conditions to the waivers that States need to receive Federal money. His administration has not been shy about enforcing conditions that bear little resemblance to provisions of the law itself.

The State of Washington learned this recently when it became the first to lose its waiver and much of its Federal funding primarily because it did not meet the administration's mandate for teacher and principal evaluation—a mandate that has no grounding in the actual statute.

We have seen President Obama and his subordinates stretch what lawful authorities the executive branch does have beyond recognition to advance its preferred policies. Take, for example, the Nation's drug laws, an area in which the Obama administration decided it disagrees with the criminal statutes on the books and wants to implement a different policy. The President has demonstrated an eagerness to do so unilaterally, no matter the governing Federal law, and no matter the broad and bipartisan support for sentencing reform in Congress. The administration's new clemency push for drug

offenders seeks to employ the President's specific constitutional power—one limited to relieve individual instances of injustice—to provide relief to large swaths of criminals who fit a few broad criteria. The President has also directed major changes over which Federal drug crimes are charged and at what level to do this. His administration has cited prosecutorial discretion—a limited authority derived from the power to adapt enforcement for an individual's specific circumstances—to implement what are, in fact, broad standards affecting thousands upon thousands of prosecutions.

Given the scope of these actions, compared to the Executive's narrowly tailored authorities, the administration's invocation of prosecutorial discretion and the clemency power have become transparent excuses to justify flouting existing Federal law.

We have seen President Obama claim the power to gut the law by unilaterally creating gaping enforcement carve-outs, thereby effectively rewriting policy set by legislation. Take immigration, an area in which many of us—myself included—support reform but which is currently governed by existing law. For years the Obama administration has advanced a growing number of enforcement carve-outs for increasingly expansive classes of illegal immigrants. First, it exempted those brought here as children, then veterans, then their families. Now the administration is contemplating excluding from the application of duly enacted immigration law anyone who has not committed serious felonies. While nearly everyone agrees that violent criminals should be our highest priority, the administration has gone much further and essentially declared its intention to make current immigration law a dead letter in virtually every other case.

We have seen the Obama administration openly ignore its statutory obligations without meaningful justification. Consider the President's decision to release the top five Taliban leaders in U.S. custody without notifying Congress, as required by Federal law. The administration's excuses for delaying notification could not stand up to scrutiny under the President's own rationales. Indeed, the administration's own statements demonstrate that it deliberately withheld advance notification of the release from Congress for the illegitimate purpose of minimizing congressional opposition.

We have seen some of the Obama administration's worst abuses of executive power in creating and implementing its signature legislative programs. In Dodd-Frank, for example, the administration created a new agency with unprecedented and unchecked power—no meaningful administrative controls on its power, no congressional control over its budget, and no effective judicial review of its far-reaching decisions.

And of course, any discussion of executive overreach by this administration must include ObamaCare. Back when the administration was writing that 2,000-plus page monstrosity, the bill's proponents argued that its length and complexity were necessary evils—that its many intricate parts were essential to achieving the bill's promised objectives.

The individual mandate, the employer mandate, the minimum coverage requirements, the cuts to Medicare Advantage, and the limits for subsidies to State-run exchanges—we were promised these provisions and others were both critical and carefully timed to expand coverage and rein in costs. Yet, when the time came to implement the law, the administration's tune changed. To justify violating a number of clear statutory mandates, the administration has mustered a weak and unconvincing hodgepodge of legal acrobatics—all for the purpose of allowing the administration to avoid enforcing the central provisions of its own signature law.

Consider some of these particularly egregious justifications: claiming that limited transition authority exercised by one agency justified another agency exerting that power even more broadly; or asserting that subjective impressions of excessive cost could justify a hardship exemption, when the statute specifically defines excessive costs in objective terms; or defining explicit, carefully timed deadlines written into the law by Congress, the timing of which is supposed to anchor the whole statutory scheme; or abusing a small pilot program to mitigate the law's vast cuts to Medicare Advantage; or simply ignoring a critical provision limiting how billions of dollars in tax subsidies are to be spent.

These are only a few examples of this administration's lawlessness in implementing ObamaCare. I could continue on about the significant legal concerns surrounding this administration's abusive handling of high-risk pools, its dubious actions involving the small business exchange, its sweetheart deals granting unauthorized exemptions for labor unions, and many other similarly problematic actions.

But the point is clear: Time and again, the Obama administration has flouted its constitutional responsibilities, exceeded its legitimate authority, ignored duly enacted law, and sought to escape any accountability for its unilateralism.

Today I have simply scratched the surface of the Obama administration's legally dubious actions. I could also discuss the way the administration is manipulating the Endangered Species Act to assert control over private property, or the EPA's many abuses: its existing source rule, its cross-State air pollution rule, its waters of the United States rule, and its CAFE standards. Or I could catalog the illegal actions of the President's appointees to the National Labor Relations Board, the Nuclear Regulatory Commission or the Federal Communications Commission.

In each of these areas, the Obama administration's executive overreach simply cannot stand—and it won't. The President is rightly facing increased scrutiny and criticism in a range of areas for his illegitimate approach. Over the past two weeks, the Supreme Court strongly rebuked the President's lawlessness in three key cases.

The Utility Air Regulatory Group v. EPA case involves one of the most controversial issues debated today: regulating carbon dioxide emissions in an effort to stop global warming. Americans and their elected representatives have been seriously debating whether and how to pursue that, just as we should when weighty matters of national policy are considered. Congress has considered various pieces of legislation over the years to grant Federal authority to regulate carbon dioxide emissions, most notably President Obama's 2009 cap-and-trade bill. Each time we have considered such legislation, the majority of us have made the careful choice that the purported benefits are not worth the undeniably massive costs: hundreds of thousands of jobs destroyed and gas and electricity prices sent soaring.

President Obama, though, told us again that he ''won't take no for an answer''—or, in other words, that he refuses to accept that the Constitution delegates to the people's representatives in Congress—and not to him alone—the power to make or change the law. Defying Congress and the law, he claimed authority under the Clean Air Act to regulate carbon emissions from powerplants. But the Clean Air Act plainly does not provide him that authority.

In attempting to provide a shred of legal justification for its actions, the Obama administration took a detailed provision of the law, complete with precise numerical thresholds, and unilaterally rewrote it through regulation to claim power Congress never, in fact, gave.

The Supreme Court rightly struck down the administration's abuse of authority in this instance, as it has done in past cases. But, unfortunately, such regulatory overreach has become so common in the Obama administration that Federal bureaucrats have become experts in manufacturing supposed legal authority out of thin air. And the courts are simply unable to keep up with the explosion of executive overreach by President Obama's administration.

Perhaps the most extreme example of such executive abuse was at issue in the Burwell v. Hobby Lobby case. Under the auspices of ObamaCare, the Department of Health and Human Services issued a regulation requiring employers to pay for a full complement of birth control methods for every employee. The Obama administration applied this mandate to almost all employers—even those who run small, closely-held businesses and whose deeply-held religious beliefs conflict with the mandate.

Some media outlets have focused on the conflict between this latest ObamaCare abuse and the principles enshrined in the First Amendment's protection of the free exercise of religion. Others have focused on the Obama administration's argument that corporations are not people—as if the particular form of how individuals organize themselves to do business somehow allows the Federal Government to trample their religious liberties.

But in all of the sound and the fury, a central point has been lost: The Hobby Lobby case was actually about a direct threat to the separation of powers. It pitted the Obama administration's unilateral mandate against a law passed by Congress.

In issuing this regulation, the Obama administration completely disregarded a duly enacted Federal statute, the Religious Freedom Restoration Act, which specifically bars such government infringement on Americans' right to exercise their religious beliefs. The ObamaCare contraception mandate flies in the face of the law's requirement that the government not substantially burden the exercise of religion unless it is the least restrictive means of furthering a compelling government purpose. I know. I was the prime sponsor of that bill in the Senate, and I got my friend Senator Kennedy to go along with me. The President said it was one of the most important bills in history, that religious freedom may be the most important of all of our freedoms.

As a lead author of the Religious Freedom Restoration Act, it has been particularly frustrating to see the Justices of the Supreme Court wrongly criticized for supposedly limiting access to birth control. In reality, all the Court did was hold the Obama administration accountable to the law—specifically, a law that passed Congress with near unanimity and was signed by President Clinton, who lauded the law. I was there. I was on the south lawn when he signed that. So were many others.

In the NLRB v. Noel Canning case, by contrast, the administration violated one of the Constitution's central checks on Presidential power, the requirement that nominations of principal officers receive the advice and consent of the Senate except during the recess of the Senate.

Concern about Executive appointment abuse was on the minds of our Fathers when they devised the Senate's role in the process. Their fears were strikingly similar to what President Obama has sought to make reality: a radical set of National Labor Relations Board appointees who promised to tip the balance of the Board toward an extreme and divisive agenda and a Consumer Financial Protection Bureau Director nominee endowed with unprecedented power—no checks on his removal, no congressional control over his budget, and no effective judicial review of his actions.

But President Obama again proclaimed he would not take no for an answer and claimed the power to use the recess appointment power to install these four nominees, even though the Senate had completely different rules. But even the Department of Justice admitted that a 3-day adjournment was too short to give the President lawful authority to bypass the Senate.

Instead, the President audaciously claimed the power to decide that, in his opinion, our so-called pro forma sessions during this period did not count as sessions of the Senate, even though they had always counted, and the Senate should decide its own rules, and that has always been the rule around here.

Not only, as Hamilton explained in Federalist 69, did the Framers specifically deny our President the King's power to deem the legislature out of session, but during these sessions the Senate was fully capable of engaging in its business. In fact, during similar sessions the previous fall, the Senate had twice passed legislation that President Obama himself signed.

So extreme were the administration's arguments that the Supreme Court unanimously held President Obama's actions unconstitutional. In doing so, the Court confirmed that the Constitution does not create in the President an endlessly flexible power to bypass Congress when he happens to disagree with us—as if our advice-and-consent role were merely an inconvenience to be avoided, rather than the organizing principle of how the constitutional process is designed to work.

Taken together, these three cases represent a resounding victory for the rule of law and the Constitution over the President's unilateralism, and they are far from unique examples. The Court has ruled unanimously, by a vote of 9 to 0, against the Obama administration 20 times—20 times, 9 to zip. These include many significant cases, such as the Hosanna-Tabor case, in which the Obama administration tried to control a religious organization's hiring of its ministers; the Sackett case, in which the Obama administration tried to take away the lawful right to challenge unlawful EPA fines of up to $75,000 a day on a poor couple who were just trying to improve their property; and the Arizona case, in which the Obama administration tried to displace State law with mere Federal enforcement priorities.

But instead of taking these rebukes to heart, the President has doubled down on his go-it-alone attitude. He has vowed more Executive orders of questionable legality, he has reaffirmed his commitment to an extreme anti-energy agenda and a willingness to abuse his legal authorities to unleash an onslaught of new regulations, and he has used the mistrust he created by refusing to enforce existing immigration law to justify further nonenforcement.

President Obama's shameful defiance in the face of the Supreme Court's rulings means our fight against his lawless overreach has only just begun. While we should applaud the Court's recent decisions, we should also realize the limits of courtroom litigation to check executive branch abuse. Indeed, the Obama administration has gone to great lengths to shield its lawlessness from judicial review by surreptitiously crafting many of such actions to prevent any plaintiff from having legal standing to launch a challenge in court, by aggressively challenging the legitimacy of suits that have been filed, by significantly curtailing the availability of judicial review, and by brazenly packing the DC Circuit—the Nation's most important court for most regulatory cases—with compliant judges.

The Speaker of the House has announced plans to vote on a measure to authorize a lawsuit against President Obama for his unfaithful execution of the law. While I support the legislative branch using every tool at our disposal to hold this President accountable to his constitutional obligations, we should also be mindful of our decades-long fight to limit the judicial power to its proper role under the Constitution. We should not seek to replace one constitutional travesty—the lawlessness of this President—with another by breaking down the structural limits on the judicial power. On the other hand, the House may very well succeed because of the actions of this President because something has to be done to curtail these inappropriate, unilateral, illegal actions.

In the end, we cannot rely on the courts alone. With such a powerful and aggressive President, all of us must stand and fight back against this executive lawlessness. I urge all my colleagues—both Democratic and Republican—to use the rightful and legitimate constitutional authorities the Framers gave us to stand and resist the President's recklessness.

But whether blinded by partisan loyalty to the President or too inexperienced to understand this body from any other perspective than having a like-minded Senate majority and President, my colleagues on the other side of the aisle have allowed—even facilitated—this administration's attempts to break down the constitutional checks on Executive power.

I urge them to change course. That is the tradition of some of the greatest Senators on both sides of the aisle—of Mike Mansfield, Howard Baker, and Robert Byrd. That is the purpose of the Constitution's division of powers, for as Madison counseled in Federalist 51, ''. . . the great security against a gradual concentration of the several powers in the same department consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachment of the others.''

If this body is to maintain a meaningful role in preserving liberty and prosperity, we must dutifully fulfill

our constitutional obligation of checking the President's unlawful attempts to assert illegitimate power.

I began my service here in 1977. Bob Byrd was the newly elected majority leader. R.C. Byrd was one of the all-time procedural experts in this body. He was a very strong personality. He would not be putting up with what this President is doing. He would not be putting up with the usurpation of the Senate's power or of the legislature's power, the Congress's power.

I call on my Democratic friends on the other side to start standing up. If they do not start standing up, I think the people are going to hold them accountable because these are separated powers and the legislative body is supposed to handle these matters and not some President unilaterally changing the law at his whimsy.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. HEITKAMP). Without objection, it is so ordered.

CONGRATULATING THE LAWLESSES

Mr. DURBIN. Madam President, I wish to take a moment to congratulate two long-time friends.

Sixteen years ago, after moving to America, Billy Lawless and Anne O'Toole Lawless today became citizens of the United States of America. This is a cause for celebration, not just for Billy and Anne but for the entire city of Chicago. You see, the Lawless family is part of the restaurant royalty in Chicago.

Billy and Anne and their four grown children—Billy, Jr., Amy, John Paul, and Clodagh—own and operate three of the best-loved—and my favorite—restaurants and pubs in Chicago. They are going to open another set very soon. Good food, good fun, great people, that is what the Lawless restaurants are all about. Billy Lawless is also a tireless and eloquent advocate for immigration reform.

One of the great heroes of Irish mythology is a benevolent giant by the name of Finn McCool, a great defender of Ireland.

In his younger days, Billy Lawless was a championship rower. At 6-foot-2, with a broad rower's chest and strong arms, he looks a little bit like Finn McCool. And he is chairman of the group called Chicago Celts for Immigration Reform.

But it is not just Irish immigrants Billy cares about. Billy Lawless understands that America's history of welcoming immigrants from across the globe—and he knows; he is part of it—is what makes our Nation great. He is a great defender not just of the rights of Irish immigrants but all immigrants. So it was perfect that he and Anne swore their citizenship oaths today with 137 other new Americans from 39 different countries and 5 continents.

Billy grew up on a dairy farm in Galway, a city in the west of Ireland. In the late 1970s, he sold the farm and went into the pub business. Over the next 20 years, Billy and Anne had four children, and they owned and operated several well-known pubs and restaurants in Galway. Life was good.

Then their daughter Amy—an excellent athlete herself in rowing—won a full college scholarship to Amherst College in Massachusetts.

For years, it had been Billy's dream to open a business in America. At the age of 48, when his daughter headed off to America, he decided to give it a shot. His friends thought he was crazy. Anne waited several months before she followed Billy to the States for this venture. She wanted to make sure this wild idea had a possibility of success.

Billy looked at opportunities in Boston and Philadelphia. But on December 31, 1997, New Year's Eve, Billy arrived in Chicago. He knew he had found a new home.

Today, Chicago is home to Billy and Anne Lawless, all four of their children, and their seven American-born grandchildren. As Billy says:

I can think of no other place in the world where our family could have achieved what it has in America.

Billy and Anne, thank you and all your family for what you have given to Chicago, to Illinois, and to our Nation. You have waited a long time and worked hard for this day. Now it is here. I am proud to call you not only my friends but my fellow Americans. Congratulations on becoming citizens of the United States.

Madam President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 2244

Mr. REID. Mr. President, I ask unanimous consent that at a time to be determined by me, after consultation with Senator MCCONNELL, the Senate proceed to the consideration of Calendar No. 438, S. 2244; that the committee-reported amendments be agreed to; that the bill, as amended, be considered original text for the purposes of further amendment; that the only amendments in order to the bill be the following: Coburn No. 3549, Vitter No. 3550, Flake No. 3551, and Tester No. 3552; that each amendment have 1 hour of debate, equally divided between the proponents and opponents; that there be 1 hour of general debate on the bill, equally divided between the two leaders or their designees; that upon the use or yielding back of that time, the Senate proceed to votes in relation to the amendments in the order listed; that there be no second-degree amendments in order to any of the amendments prior to the votes; that upon disposition of the Tester amendment, the bill be read a third time and the Senate proceed to vote on passage of the bill, as amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. So, Mr. President, we understand that in getting this agreement, Senators should expect a rollcall vote in relation to the Coburn amendment and another rollcall vote on passage of the bill, as amended. The other amendments in this agreement are expected to be subject to voice votes.

Mr. President, we have whipped right through this very quickly, but it is an extremely important piece of work that was done on a bipartisan basis on a very, very important piece of legislation. We have to do this, this terrorism insurance. With all the things going on in the world, if we do not finish this, there will be no construction in America. We went through this a number of years ago. Construction came to a screeching halt. It was bad enough, but with this not being able to be done, it made it even worse. So we are very fortunate we will complete it next week—with this UC agreement.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

EASTER HOMILY

Mr. LEAHY. Mr. President, Father O'Donovan is one of the dearest friends I have from my association with Georgetown past or present. Marcelle and I were privileged to help him celebrate his 80th birthday and join him for church the next day. His homily is truly reflective of the wonderful human he is and I wanted to share it with my fellow Senators. I ask unanimous consent that Father O'Donovan's April 27, 2014 homily be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A JESUIT'S JOURNEY

HOMILY IN DAHLGREN CHAPEL

ON THE SECOND SUNDAY OF EASTER

27 APRIL 2014

Dear Friends: I beg your indulgence this morning to speak more personally than the Second Sunday of Easter would ordinarily suggest. You may permit me to do so, however, since you have come to the Hilltop not

only to help me celebrate a very ''round'' birthday but also to give your support to the education of young Jesuits. And so the story of this one Jesuit's journey will be linked to that of my fellow Jesuits as well as to you, my very dear friends.

When yesterday, it seems—I entered the Society of Jesus, I was setting forth on a journey for which there were indeed words—the love of God, the service of our fellow human beings, a vowed life in the Church—but only a fairly shallow grasp of what they might mean. Yesterday, with other newly entered Jesuits, we were young, vigorous, some had great dreams, others cherished a blessed sense of duty, all sensed that somehow the life they gave to the esteemed Society of Jesus would also be found, truly, in that least Society.

And now, suddenly, I find myself . . . 80 years old. When I entered the Novitiate during the presidency of Dwight D. Eisenhower, under the papacy of Pius XII, and with John Baptist Janssens as General Superior of the Society of Jesus, order was a relative constant in our experience. Soon the constant became change. In our formative years our nation was shaken, for good and ill, by the civil rights movement, the Vietnam War, Watergate. The Second Vatican Council, with roots, we learned, in the liturgical, patristic, theological and ethical scholarship of many Jesuits among others, convened in a miraculous rush of time between 1962 and 1965. New hope dawned for the Church in the world, most of us thought, just when the world seemed most to need such a beacon. Within a decade, the journey on which we had embarked seemed to have mysteriously changed—to have become, in fact, far more an adventure. We were invited to change, too, if we were really to live in the time we were being given. Many other friends had experiences somewhat similar, not least because children change everything.

THE GOD OF TIME

The time we were being given: through it all there was this constant: the patience and fidelity of God. In the Society of Jesus we wanted liturgical participation, social renewal, a newly intimate community life. Indeed, as the Society began remarkably to appropriate the aggiornamento of the Council in its General Congregations from the 31st onward, under the new and (I deeply believe) sainted leadership of Pedro Arrupe, we were called officially and authoritatively to recognize that a community of loved sinners can only be faithful if it seeks the unloved, stands with those who have been shunned, lives but also learns in solidarity with the poor.

How clumsily, how unrealistically, with what a rush we often sought our new goals and discovered that God, the Holy Mystery who is our Absolute future, was patient with our straining time, was even taking it into God's own life. (Some of us became aware of what can only be called God's sense of humor before the human spectacle.) The love of neighbor which had seemed like the love of God, a moral imperative and recommended pattern of behavior, proved to be far more: the discovery of and entry into God's own life. God was not just pleased if we could be healing, or encouraging, or messengers of justice. God was there, in the care and hope and justice, taking our time into God's own.

For if God is eternal but also offers divine life and grace to a freely created world, then that world's time and history, our time and history, becomes God's time and history truly, too.

We had set off on a journey to a goal—and discovered that we were already, however and even desperately unworthily, already living in it. Through the patience of the Great Tutor we were learning that incarnation was specific to a certain time and place—but also calls all time and space to union with it.

THE GOD OF SUFFERING

Incarnation, however, means becoming fully human, and sooner or later, one learns the cost of the endeavor. There were ghastly events in political society such as the Balkans war or the Rwanda genocide. There were what many of us considered retreats from the ''aggressive fidelity'' of the Council. Our own nation's struggles with racism, sexism, and the serious poverty of many Americans seemed to fail as often as they succeeded.

But there were more personal losses as well. We lost parents and friends. We struggled with alcoholism and other addictions. Cherished projects all too often failed. The social legislation we favored did not pass. The promotion we hoped for went to someone else. Anxiety became a nearer neighbor. Many fellow Jesuits, a Provincial and not a few best friends among them, left our company. The symphony's scherzo proved to be a threnody.

But God was patient, was indeed perhaps most patient with our suffering. The cross of Christ before which we had been encouraged to ask: ''What have I done for Christ? What am I doing for Christ? What shall I do for Christ?'' became something not imagined but rather our immediate experience. His suffering was ours, and ours his, because he had given himself for and to us, and had claimed us to and for him.

And so, even more miraculous than life itself, there Christ is—in the illiterate village, the anguished schizophrenic, the solitary death row, all the battlegrounds of the world—the whole Christ to whom all belong and they to him, the crucified and risen one who is never a stranger but the patient one who waits for us always—and from whose love nothing, nothing, nothing can separate us.

THE GOD OF BEAUTY

If the cross of Christ seals our time and shares our suffering, revealing the patience of God, it awakens us also, in ways I scarcely could have imagined all those years ago on this Hilltop—yesterday—to the beauty of God. Darwin wrote toward the end of his life and without apparent regret that his scientific studies had led him no longer to be able to enjoy Shakespeare. Dostoevsky, on the other hand, let Prince Myshkin speak his hope: Beauty will save the world.

For many young people, ''the beautiful'' is a preoccupation for an elite few. But with fellow Jesuits and so many of you here today, I have learned how wonderfully various and compelling God's world is. My Jesuit classmates included a poet, historians, literary critics, high school and college administrators, journalists and prolific authors, theologians and philosophers, spiritual directors and retreat masters, ethicists. We have served in North America, South America, Europe, Africa and Asia. And if beauty is what arrests and compels human attention, whether in the splendor of a sunset or the sorrow of a scar, a Frederick Edwin Church landscape or a character such as August Wilson's King Hedley II, we have seen too much marvelous variety not to have become more alert to the beauty of the artisan of it all.

It was easy enough to appreciate the harmonious, the splendid, the musical moments of our experience. Harder to recognize what distortion, darkness, dissonance reveal. But the same Spirit that establishes order can comfort tears; the Spirit that illumines can guide through the night; the Spirit that teaches song can interpret discord. The beauty of God can come in the mode of fulfillment, in achieved form and luminous color and delicate balance, but also in the mode of hope, in protest against violence, in fury at injustice, in conscientious objection.

To say that the Spirit of God teaches us to see again and to hope to see wholly is not to claim completion. I find myself at 80 each year happier and more blessed to be a Jesuit priest—but journeying still. This too: beauty is always fresh, new, surprising. And if a patient God has made our time God's own, and our suffering God's own, then how can we not hope that in today's liturgy indeed but one day finally and forever, God's Spirit will teach each of us the most beautiful words of all:

Take me. I am yours.

LEO J. O'DONOVAN, S.J.

A HISTORICAL PERSPECTIVE

Mr. LEAHY. Mr. President, it is always good to have someone in the media with a sense of history. Walter Pincus demonstrates that time and again. His June 19 column in The Washington Post is a prime example and I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 19, 2014]

DICK CHENEY WANTS TO FORGET HISTORY AND WRITE HIS OWN VERSION

(By Walter Pincus)

Why should anyone take seriously what Dick Cheney says about President Obama's policy in Iraq?

In their Wall Street Journal op-ed this week, Cheney and his daughter Liz began by cherry-picking Obama quotes from over three years about the Islamic State of Iraq and Syria (ISIS).

That warmed-over technique is what Cheney, President George W. Bush and other top aides cleverly used with intelligence reports in the fall of 2002 as they drummed up public support for their invasion of Iraq. That, of course, set the stage for today's terrible events.

''Rarely has a U.S. president been so wrong about so much at the expense of so many,'' the Cheneys chortled. ''Too many times to count, Mr. Obama has told us he is ending' the wars in Iraq and Afghanistan—as though wishing made it so.''

Let's return to a Dick Cheney speech on Aug. 27, 2002, in Nashville, before the Veterans of Foreign Wars (VFW) and see how many times a vice president could be ''so wrong about so much at the expense of so many.''

He told his audience: ''In Afghanistan, the Taliban regime and al-Qaeda terrorists have met the fate they chose for themselves. And they saw . . . the new methods and capabilities of America's armed services.''

Here's another applause line: ''In the case of Osama bin Laden—as President Bush said recently—'If he's alive, we'll get him. If he's not alive—we already got him.''

The Bush team never got him. Obama did.

When Cheney was speaking, bin Laden was very much alive. Al-Qaeda terrorists and the Taliban had just retreated, but they were able to regroup as the Bush team, satisfied with its ''victory'' in Afghanistan, had turned its attention and U.S. military forces toward Iraq.

It was in this speech that Cheney began what a former Bush chief of staff, Andrew Card, would describe as the fall 2002 public-relations plan to ''educate the public'' about

the so-called threat from Iraq. That effort would lead to a congressional joint resolution authorizing the president to use U.S. armed forces to ''defend the national security of the United States against the continuing threat posed by Iraq'' and ''enforce all relevant United Nations Security Council resolutions regarding Iraq.''

Cheney told the VFW: ''The Iraqi regime has in fact been very busy enhancing its capabilities in the field of chemical and biological agents. And they continue to pursue the nuclear program they began so many years ago.''

He added: ''We've gotten this from the firsthand testimony of defectors—including Saddam's own son-in-law, who was subsequently murdered at Saddam's direction. Many of us are convinced that Saddam will acquire nuclear weapons fairly soon.''

A former White House deputy press secretary, Scott McClellan, would later write that a White House Iraq Group (WHIG) was ''set up in the summer of 2002 to coordinate the marketing of the [Iraq] war,'' and will continue ''as a strategic communications group after the invasion had toppled Saddam [Hussein]'s regime.''

It was Cheney at the VFW convention who first said: ''Regime change in Iraq would bring about a number of benefits to the region. When the gravest of threats are eliminated, the freedom-loving peoples of the region will have a chance to promote the values that can bring lasting peace.''

He also said: ''Extremists in the region would have to rethink their strategy of Jihad. Moderates throughout the region would take heart. And our ability to advance the Israeli-Palestinian peace process would be enhanced, just as it was following the liberation of Kuwait in 1991.''

Show me a better example of ''as though wishing made it so.''

The Cheneys also cavalierly forget that the status of forces agreement with Iraq that Bush signed Dec. 14, 2008, made way for the withdrawal of all U.S. combat troops by the end of 2011. That agreement protected U.S. forces on duty from prosecution by Iraqi courts. It was the Iraqis' desire to modify this that led Obama—on the advice of his military chiefs—to not leave a residual force of military trainers.

One more sign of the Cheneys' convenient amnesia: They said of Obama's initiative toward involving Tehran in the effort to put down ISIS advances in Iraq, ''Only a fool would believe American policy in Iraq should be ceded to Iran, the world's largest sponsor of terror.''

In November 2001, the Bush White House, despite icy relations, approved talking directly to Iran diplomats before and during the Bonn conference called to try to establish a post-Taliban government in Afghanistan. As a result, U.S. Ambassador James Dobbin got what he described as Tehran's ''major contribution to forge a solution'' among various Afghan groups, which in turn led to a unified temporary Kabul government under Hamid Karzai.

On Dec. 5, 2001, a White House spokesman described Bush as ''very pleased'' with the Afghan agreement. However, in his Jan. 29, 2002, State of the Union speech, Bush described Iran, Iraq and North Korea as the ''axis of evil'' at the same time there were meetings underway between U.S. and Iranian diplomats to see whether talks could go beyond Afghanistan.

In contrast to the Cheneys, people should listen to former secretary of state James Baker III, who in Thursday's Wall Street Journal called on the United States to organize an international coalition of regional countries, including Iran. Recalling Iran's cooperation on Afghanistan, Baker said today's ''reality is that Iran is already the most influential external player in Iraq and so any effort without Iranian participation will likely fail.''

Baker has a successful track record and a memory. The Cheneys have neither.

NEVADA TRIBAL LANDS TRANSFER

Mr. REID. Mr. President, this week the Senate Committee on Indian Affairs held a hearing to address five important pieces of legislation. Two of these bills, the Moapa Band of Paiutes Land Conveyance Act—S. 2479—and the Nevada Native Nations Land Act—S. 2480—will transfer land into trust for a total of eight Indian tribes in Nevada for heritage preservation and economic development.

Nevada's Great Basin has always been home to the Washoe, Paiute and Western Shoshone Peoples. The First Nevadans have long been a voice for protecting our wild landscapes and enriching our State through their language and cultural heritage. I take the many obligations that the United States has to tribal nations seriously. Land is lifeblood to Native Americans and these bills provide space for housing, economic development, traditional uses and cultural protection. I would like to commend the tribes, whose immense work and collaboration made these bills possible, and I look forward to continuing to work with our First Nevadans on protecting homelands.

The Moapa Band of Paiute Indians have been in Nevada and the West since time immemorial and suffered great land losses through Federal Indian policy. When the Moapa River Reservation was established in the late 1800s, it consisted of over 2 million acres. In its lust to settle the West, Congress drastically reduced the reservation to just 1,000 acres in 1875. It wasn't until 1980 that Congress restored 70,500 acres to the reservation. Today the reservation is approximately 71,954 acres.

The Moapa Band of Paiutes Land Conveyance Act, S. 2479, would direct the Secretary of the Interior to take more than 26,000 acres of land currently managed by the Bureau of Land Management—BLM—and the Bureau of Reclamation into trust for the Moapa People who live outside of Las Vegas, NV. This legislation would provide much needed land for the tribe's housing, economic development and cultural preservation.

Located on I–15, the tribe runs the Moapa Paiute Travel Plaza. The tribe is the first in Indian Country to develop utility-scale solar projects on tribal lands. Since southern Nevada has critical habitat for the desert tortoise, a species listed as threatened under the Endangered Species Act, the tribe works closely with Federal, State, and local partners, members of the conservation community and interested stakeholders to develop their community in an environmentally responsible manner.

The Nevada Native Nations Land Act, S. 2480, would transfer land into trust for seven northern Nevada tribes—the Elko Band of the Te-Moak Tribe of Western Shoshone Indians, the Fort McDermitt Paiute and Shoshone Tribe, the Duck Valley Shoshone Paiute Tribes, the Summit Lake Paiute Tribe, the Reno-Sparks Indian Colony, the Pyramid Lake Paiute Tribe and the South Fork Band of the Te-Moak Tribe of Western Shoshone Indians. As does S. 2479, the Nevada Native Nations Land Act would allow these seven tribes to build housing for their members, preserve their cultural heritage and traditions, and provide opportunities for economic development.

Since time immemorial, the Western Shoshone have been living in what is now known as southern Idaho, central Nevada, northwestern Utah, and the Death Valley region of southern California. The Elko and South Fork Bands are two of four bands that comprise the Te-Moak Tribe of Western Shoshone Indians.

The Elko Band's reservation, or colony, is landlocked by the growing City of Elko, where band members have been coming for mining and railroad jobs for decades. The colony needs additional lands for housing and economic development. My legislation would expand the Elko Band's reservation by transferring 373 acres of BLM-managed land into trust for the tribe.

S. 2480 would also convey 275 acres, just west of the City of Elko, to Elko County to provide space for a BMX, motocross, off-highway vehicle, and stock car racing area.

The South Fork Reservation, home to the South Fork Band, is comprised of 13,050 acres. The Band was one of the groups of Western Shoshone that refused to move to the Duck Valley Reservation and stayed at the headwaters of the Reese River, near the present Battle Mountain Colony. Established by Executive order in 1941, the colony was originally 9,500 acres of land purchased under the Indian Reorganization Act. In addition to rugged high desert terrain near the foothills of the Ruby Mountains, the reservation has open range which is used for open cattle grazing and agricultural uses. The Nevada Native Nations Land Act would place 28,162 acres of BLM land into trust for the tribes and release the Red Spring Wilderness Study Area—WSA—from further study.

The Northern Paiutes made their homes throughout what is now known as Idaho, California, Utah and Nevada. Due to westward expansion, our government pushed some Western Shoshones and Northern Paiutes into the same tribe and onto the same reservation where their descendants remain.

The Fort McDermitt Paiute and Shoshone Tribe now make their home along the Nevada-Oregon border. Starting as a military fort in 1865, the military reservation was turned into an Indian Agency in 1889 then established as an Indian reservation in 1936. The reservation is currently made up of 16,354

acres in Nevada and 19,000 acres in Oregon. The Nevada Native Nations Land Act would add 19,094 acres now managed by the BLM in Nevada to the lands already held in trust for the tribe.

The Duck Valley Indian Reservation is the home of the Shoshone-Paiute Tribes who live along the State line between Nevada and Idaho. The reservation is 289,819 acres, including 22,231 acres of wetlands. The tribes have limited economic opportunities and tribal members have made their way farming and ranching. This bill would place 82 acres of U.S. Forest Service land into trust for the tribes. The tribes plan to rehabilitate structures that were used by Forest Service employees into much-needed housing on the parcel.

The Summit Lake Reservation is one of the most rural and remote reservations in Nevada along the Oregon and California borders. Established in 1913 for the Summit Lake Paiute Tribe, the reservation today is 12,573 acres. The tribe seeks land to maintain the integrity of its reservation, protect Summit Lake and restore the Lahontan Cutthroat Trout. S. 2480 would transfer 941 acres of BLM-managed land into trust for the tribe.

The Reno-Sparks Indian Colony has a very small 28-acre reservation in Reno, NV. The colony has 1,100 Paiute, Shoshone and Washoe members some of whom live on a 1,920 acre reservation in Hungry Valley, which is 19 miles north of Reno. The Hungry Valley Reservation is surrounded by shooting and ATV activities and tribal members have requested a buffer zone to ensure the safety of their community. The legislation would transfer 13,434 acres of BLM land into trust for the tribe.

The Pyramid Lake Paiute Tribe have made their homelands around Pyramid Lake, a unique desert terminal lake. Pyramid Lake is one of the most valuable assets of the tribe and is entirely enclosed within the boundaries of the reservation. S. 2480 would expand the reservation with an additional 30,669 acres of BLM-managed land.

This legislation is so important to me and the Indian tribes in Nevada. Throughout the history of our country, Native Americans have been removed and disenfranchised from their homelands. They have been treated so poorly. One of the first pieces of legislation I worked on when I came to Congress was the historic Pyramid Lake/Truckee-Carson Water Rights Settlement. This involved two States, several cities, a lake, a river, endangered species, and two Indian tribes. These Indian water rights needed to be protected, just as tribal lands need to be restored especially in Nevada where tribal landbases are smaller and more rural and remote than any other parts of Indian Country. During my time in the Senate, I will continue to do what I can to right some of the many wrongs and help tribes restore their homelands.

REMEMBERING HOWARD BAKER AND ALAN DIXON

Mr. LEVIN. Mr. President, the Nation recently lost two distinguished former members of this body. I join those who mourn former Senate majority leader Howard Baker of Tennessee, and former Senator Alan Dixon of Illinois. And I am reminded by their passing of the passing of an era they helped forge, one in which elected officials of strong opinions but good will sought to accommodate the diverse viewpoints of this great Nation, rather than using them to divide our people and obstruct the operations of government.

Howard Baker became known as ''the Great Conciliator.'' I am one of the few members of the current Senate who served alongside him. We came from different places, and from different political traditions. We saw the world differently. But I knew him, as all who worked with him knew him, as someone who would fight for his positions but also work to understand the positions of others.

He described himself as a moderate at a time when that word wasn't out of fashion. And that moderation and sense of fairness are what guided him as he helped guide the Nation through one of the most searing experiences in our history, the Watergate scandal. As the ranking Republican on the Senate committee investigating the scandal, he was a calm, collected, comforting presence at a time of great tumult. By placing the good of the Nation and the need to protect our democracy ahead of his own party's interests, he provided a powerful example for us to follow, just as he did in helping to build bipartisan support for important civil rights and environmental legislation.

Alan Dixon, too, was shaped by, and helped to shape, a different era in politics. In his memoir, Senator Dixon wrote: ''Generally speaking, my political career was built on goodwill and accommodation.'' Too few political figures can make such a claim today. As an elected official in Illinois, as a Senator, and as a valued member of the Senate Armed Services Committee, Senator Dixon gained a reputation for fairness, balance and understanding. I remember this well-earned reputation made him a great help to Senator Sam Nunn, the Democratic leader on the Armed Services Committee, during debate on the annual Defense Authorization Act. It is also why he was chosen for the difficult and important responsibility of leading the base closure commission.

Senator Dixon showed that a fairness and accommodation need not contradict fighting strongly for your beliefs. He often told the story of how during committee debate on a defense bill during the 1980s the committee was poised to sign off on buying a new anti-aircraft system. Dixon had read that system had serious problems, and though he was then relatively junior on the committee, he objected to its inclusion in the defense bill. The powerful chairman at the time, Senator Goldwater, told Dixon that if he thought there was a problem, he should go down to Fort Bliss, TX, that weekend, check it out, and report back to the committee. Dixon did, and when he asked, somewhat to the chagrin of his military tour guides, for a demonstration of the system, it fired at 88 targets and missed 87. When he reported back to the committee on his findings, it quickly decided to cancel the program, a decision even the Pentagon had to support.

Now, some might see that story as an illustration of the need to challenge authority, an argument against going along to getting along—And it is—But it is important to note that Alan Dixon didn't try to demonize his opponents, didn't portray them as enemies. He honestly disagreed, raised his objections, pursued the facts, laid them before his colleagues, and trusted in their good judgment.

Our Nation is no less diverse than it was when Howard Baker and Alan Dixon practiced the principled politics of accommodation. Our challenges are no smaller. The need to bridge gaps rather than widen them is just as urgent for us as it was for them. We can, and I hope we will, learn from their examples as we confront the challenges we face and the needs of the Nation we serve.

HONORING OUR ARMED FORCES

ARMY SERGEANT JAMES E. DUTTON

Mr. INHOFE. Mr. President, it is my honor to remember Army SGT James E. Dutton. James died March 31, 2012 in Logar province, Afghanistan, in support of Operation Enduring Freedom.

James was born December 25, 1986 in Weleetka, OK. He graduated from Weleetka High School in 2006 and later moved with his parents to Checotah, OK where he served as a firefighter for the Lotawatah Rural Fire Department and worked for Winkle's Hardware until joining the Army.

After completing basic combat training at Fort Jackson, SC, James was assigned to the 10th Mountain Division at Fort Drum, NY where he worked as a firefighter and mechanic. In 2008, James had a son, William Tyler Anderson and in 2009, shortly after the birth of his son, he was deployed to Afghanistan.

He returned to Fort Drum in 2010 and in October of 2011 he was reassigned to the 125th Brigade Support Battalion, 3d Infantry Brigade Combat Team, 1st Armored Division, based at Fort Bliss, TX. He deployed for his second tour to Afghanistan in December 2011.

James loved the U.S. Army and planned on a long career serving his country. He believed in and loved what he was doing and that is where he wanted to be.

On April 23, 2012, the family held a funeral service at First Baptist Church in Checotah, OK and James was laid to rest in Fort Gibson National Cemetery in Fort Gibson, OK.

James was preceded in death by his sister Kimberly Ann Dutton, grandfather James H. Dutton, grandmother Ruby M. Dutton, and his great grandfather Sgt. Charles William ''CW'' Kincannon. James leaves behind his wife Ellen Marie Dutton, parents James K. and Trina M. Dutton of Checotah, his young son William Tyler Anderson of El Paso, TX; sisters: Valarie Hammond and Roxanne Gibson, both of Weleetka, and Stephanie Walker of Oklahoma City, brothers: Derek and Jeremy Johnson, both of Wewoka; special friends, Brittany Brown and daughter Ally, of Watertown, NY, Jerie-Lynn Woody, mother of William Tyler Anderson, Jacob Rector of Weleetka, Dale McBride of Checotah, his extended family of Army brothers and sisters; as well as many other relatives, friends and loved ones too numerous to mention.

Today we remember Army SGT James E. Dutton, a young man who loved his family and country, and gave his life as a sacrifice for freedom.

ARMY SERGEANT DICK A. LEE, JR.

Mr. President, as well I would like to pay tribute to Army SGT Dick A. Lee, Jr. Alson and his assigned military working dog Fibi both of whom died April 26, 2012 in Ghazni province, Afghanistan, in support of Operation Enduring Freedom.

Alson was born July 23, 1980 in Keystone Heights, FL and graduated from Keystone Heights High School in 2000. He enlisted in the Army in August of that same year.

Alson was assigned as a military working dog handler with the 529th Military Police Company, 95th Military Police Battalion, 18th Military Police Brigade, 21st Theater Sustainment Command, Sembach, Germany. He stayed safe on three previous deployments to Iraq and Afghanistan, but this deployment only lasted 23 days before the incident that tragically claimed his life.

His commanding officer remembered him as a great soldier and dog handler. ''Always quick with a smile and laugh, he was the kind of person you always wanted to be around,'' said COL Brian Bisacre.

On May 15, 2012, the family held a funeral service and Alson was laid to rest in Jacksonville Memorial Gardens in Orange Park, FL.

''He was the best handler I had in my kennels and the best NCO I had in my kennels,'' SFC Joseph Jones, the 529th Military Police Company's kennel master said after the service. ''He wasn't just good, he was great.''

Alson is survived by his wife Katherine Lee, a native of Shreveport, LA; their two sons: David and Joshua, his mother Brenda Carroll, and her husband Larry of Keystone Heights, FL, his father Dick Lee of Newcastle, OK, a sister Vanessa Compton, and her husband Danny of Fort Riley, KS, his nephews: Zachary, Devin and Eric, of Fort Riley, KS, and a brother Michael Carroll of Keystone Heights, FL.

Today we remember Army SGT Dick A. Lee, Jr., a young man who loved his family and country, and gave his life as a sacrifice for freedom.

ARMY CAPTAIN JESSE A. OZBAT

Mr. President, it is my honor to also pay tribute to the life and sacrifice of a remarkable young man, Army CPT Jesse A. Ozbat. Jesse died May 20, 2012 in Tarin Kowt Province, Afghanistan, in support of Operation Enduring Freedom.

The son of a retired Army first sergeant, Jesse was born February 21, 1984 in Caro, MI. He was a member of the Prince George High School Junior Reserve Officer Training Corps in Virginia and graduated in 2002. He then enrolled in Virginia State University's Reserve Officer Training Corps program where he earned his commission on May 13, 2006, finishing in the top 10 percent of all cadets nationwide.

Upon entering active service, Jesse attended Basic Officer Leaders Course, BOLC II at Fort Benning, GA, and BOLC III at Fort Sill, OK. He was then assigned as the fire support officer for the C/1—4 Stryker Infantry Company, Schofield Barracks, HI, where he deployed to the 1st and 14th Infantry, 2nd Stryker Brigade in support of Iraqi Freedom in 2009. He then returned to Fort Sill where he graduated from the field artillery captain's career course and was assigned to Headquarters Headquarters Batter, HHB, 214 Fires Brigade as the fire controller officer and Current Operations Office. From Sept. 2010–March 2012, he served as the commander of the HHB, 214th Fires Brigade.

''He was a soldier. That's all he ever wanted to be . . . a soldier. He died doing what he wanted to be,'' said his grandmother Shirley Scott.

A funeral service was conducted on June 2, 2012 at Fort Lee, VA. Interment with full military honors followed the service at Blandford Cemetery in Petersburg, VA.

He is survived by his wife Danielle T. Ozbat of Petersburg, VA, parents Aaron M. and Cynthia A. Ozbat of Prince George, VA, mother and father-in-law Dahlia and Anthony Fontaine of Petersburg, VA, brother Elijah A. Ozbat, sister Marisa N. Ozbat, both of Prince George, VA, grandmother Lillian Scott of Petersburg, and grandparents Richard and Shirley Scott of Caro, MI, as well as many other relatives, friends and loved ones too numerous to mention.

Today we remember Army CPT Jesse A. Ozbat, a young man who loved his family and country, and gave his life as a sacrifice for freedom.

REMEMBERING JACOB CALVIN

Mr. DONNELLY. Mr. President, today I wish to recognize and honor the extraordinary service and ultimate sacrifice of Tipton County sheriff's deputy Jacob Calvin. Dedicated, loyal, and above all compassionate to those in need, Deputy Calvin served with the Tipton County Sheriff's Department since 2012.

On Saturday, June 28, 2014, Deputy Calvin responded to reports of an injured motorist involved in a car crash. While driving to the scene of the crash, Deputy Calvin's patrol car left the road and was involved in an accident. Sadly, despite the best efforts of his fellow officers, EMTs and medical personnel, Deputy Calvin, 31, succumbed to his wounds.

''He was doing what he was supposed to do . . . I take a lot of comfort knowing that he was going to help someone.'' said his father, Dan Calvin.

An Indiana native, Deputy Calvin lived in the town of Kempton. Jacob learned at an early age the importance of community and possessed a servant heart. After graduating from Carroll High School, Jacob enlisted in the U.S. Air Force in 1999 at the age of 17. He served as a staff sergeant with the security police in the Air Force for 6 years and was stationed in Iraq for a tour of duty which he completed in 2005. During his time serving in the Air Force, Jacob was recognized on multiple occasions for his outstanding performance as a soldier. After his discharge, Jacob graduated from Lincoln Technical Diesel Mechanic School and would later start his own business, Infinity Diesel.

In addition to his service with the Air Force and the sheriff's department, Jacob was a member of the Kempton Volunteer Fire Department and was a trained EMT. He was a member of the Future Farmers of America, a Brother of the Free and Accepted Masons Mulberry Lodge, 10-year member of 4–H, Civil Air Patrol receiving the ''Billy Mitchell Award'' and a devoted congregant of the Flora First Christian Church. Known for his tenacious spirit and concern for others, Jacob was well known and respected by those in the Tipton County community.

''I'm very honored that I had Jake Calvin work for me for two and a half years.'' said Tipton County Sheriff John Moses.

Deputy Calvin is survived and deeply missed by his parents Dan Calvin (Carla) and Penny Williams Visser (John), his fiancée Ms. Samantha J. Hawkins, paternal grandparents Robert and Anna Marie Calvin, step-paternal grandparents Richard and LaVerne VonAhrens, brother Luke Calvin (Lea-Anndra), stepbrother Zach Visser, stepsister Victoria Visser, his three nephews: Dakota, Evan and Emmett, as well as other relatives, friends, the Tipton County Sheriff's Department family, the Kempton Volunteer Fire Department family and Hoosiers across the state.

Deputy Calvin loved his work, and he gave his life to serve and protect the citizens of Indiana. Although he would have never thought of himself as a hero, Deputy Calvin demonstrated his character daily by conducting himself with courage, bravery, compassion, honor and integrity. Thus, he was a

true American hero—in his everyday life as a police officer, as a member of the U.S. Air Force, a son and friend to so many—and in his final call to duty. Let us always remember and treasure the memory of this stalwart, brave man and honor him for his selfless commitment to serving his fellow citizens. May God welcome him home and give comfort to his family and friends.

ADDITIONAL STATEMENTS

MOUNT CHASE MAINE SESQUICENTENNIAL

● Ms. COLLINS. Mr. President. Today I commemorate the 150th anniversary of the town of Mount Chase, ME. Mount Chase was built with a spirit of determination and resiliency that still guides the community today, and this is a time to celebrate the generations of hard-working and caring people who have made it such a wonderful place to live, work, and raise families.

While this sesquicentennial marks Mount Chase's incorporation, the year 1864 was but one milestone in a long journey of progress. For thousands of years, the land surrounding Mt. Katahdin, Maine's highest peak, was the hunting and fishing grounds of the Penobscot and Maliseet tribes. In the 1830s, the first white settlers were drawn by the fertile soil, vast stands of timber, and fast-moving streams, and the young village became a center of the Maine North Woods lumber industry. The wealth produced by the forests and saw mills was invested in schools and churches to create a true community. The incorporated town that followed was named for the prominent mountain peak, Mt. Chase, which towers more than a half-mile above the farms and forests below.

The arrival of the railroads in the aftermath of the Civil War further secured Mount Chase's prominence in the lumber industry, and the town was home to the largest cold-storage plant on the line for wild game and other perishable food products. By the end of the 19th century, modern transportation and the region's spectacular scenery and abundant wildlife combined to create a new economic opportunity—great sporting camps and lodges that drew outdoor enthusiasts from around the world. Today, the people of Mount Chase continue to honor the strong land use traditions and love of the outdoors that have helped make such places as Shin Pond a favorite recreation destination for residents and visitors.

In the early 20th century, the history, industry, and beauty of the Mount Chase region were made immortal by the great Swedish-born artist Carl Sprinchorn, who spent many years at Shin Pond. From his paintings of the strenuous daily life of lumberjacks to his evocative landscapes, the artist recorded a very special time in Maine history and a place that remains special today.

This 150th anniversary is not just about something that is measured in calendar years, it is about human accomplishment, an occasion to celebrate the people who for generations have pulled together, cared for one another, and built a community. Thanks to those who came before, Mount Chase has a wonderful history. Thanks to those who are there today, it has a bright future.●

HONORING DR. ROBERT COPE

● Mr. CRAPO. Mr. President, my colleague Senator JIM RISCH joins me today in honoring Lemhi County commissioner Dr. Robert Cope, who is retiring from the Lemhi County Commission after 14 years of exemplary service.

Cope is not one to shy away from challenges; he faces them head on. He recognizes a problem and works diligently to fix it. This characteristic has been instrumental in his ability to address critical natural resources and environmental challenges. The common sense, wisdom, and humor he brings often to contentious issues have been invaluable in achieving solutions. He is truly a pleasure to work with and know. Throughout his time as commissioner, we have greatly valued his input and approach. Through his efforts with the Idaho Roadless Rule, addressing noxious weed control and many other land management concerns, he has helped bring about solutions important both locally and nationally. He is well-respected as a problem solver and consensus builder.

His public service is shaped by his deep personal knowledge and influenced by his distinguished career. Cope, a U.S. Presidential Scholar and Kansas State University College of Veterinary Medicine graduate, thankfully fell in love with Idaho and made Salmon, Idaho, home. He has spent nearly 40 years in veterinary practice, a critical part of the community, working with Lemhi cattle ranchers. He has been counted on to work cattle at all hours of the day and night, often in difficult conditions. The respect many have for his work and understanding of natural resources issues has inevitably led to his service in leadership roles on numerous boards and commissions, including the National Association of Counties, the U.S. Forest Service's National Planning Rule Implementation Committee and the Idaho Roadless Commission.

We have greatly valued your insight, Dr. Cope, and thank you for your hard work and outstanding service. We are fortunate that you chose to be an Idahoan. Congratulations on your retirement from the commission. We hope it provides you with more time to spend with your many friends and family, including your wife, Terrie. We wish you all the best.●

TRIBUTE TO JAMES R. COOPER

● Mr. CRAPO. Mr. President, my colleague Senator JIM RISCH joins me today in honoring James R. Cooper, who is retiring from the U.S. Department of Energy, DOE, where he was a great asset to Idaho during his tenure with the Idaho Operations Office.

Jim is retiring as deputy manager for the Idaho Cleanup Project. His responsibilities have included management of spent nuclear fuel and high-level radioactive waste and the exhumation and disposal of cold-war era buried transuranic waste. His work advancing the environmental cleanup mission at the site has helped reduce risk to workers, the public, and the environment. It has also continued protection of the Snake River Plain Aquifer. Through his leadership, environmental cleanup projects have been finished ahead of schedule and under cost, which has enabled resources to be reinvested into furthering the cleanup efforts. Jim's commitment to timely and cost-effective management is commendable.

Prior to his position with the Idaho Cleanup Project, Jim worked as the facility and material disposition program manager and was responsible for ensuring the safe and compliant deactivation and decommissioning of nuclear test reactors and other retired nuclear facilities at the Idaho National Laboratory. During this time, he helped lead the cleanup team in successful deactivation and decommissioning projects at the Idaho Site. This included a visionary change in the approach of cleanup at the site.

Under Jim's management Idaho crews decontaminated and decommissioned more than 200 facilities. Recognizing this hard work, the Idaho contamination and decommissioning project was awarded the 2013 Secretary's Excellence and Achievement Award for completion of the project's work scope ahead of schedule and under budget. Jim is well respected for his strong leadership and ability to develop relationships and communications that are instrumental in advancing cleanup.

Thank you, Jim, for your more than 30 years of service, including 22 years of project management within DOE. You made great progress in the critical effort of cleanup. As you retire, you are truly leaving our State and Nation in better condition. Current and future generations will benefit from your hard work. You have much to be proud of for a job well done. Congratulations on your retirement. We thank you for your outstanding service and wish you all the best.●

REMEMBERING MOON WHEELER

● Mr. CRAPO. Mr. President, today I wish to honor the life and legacy of former Idaho State Senator Ralph Merrill ''Moon'' Wheeler, Jr. His nearly 40 years of service to the people of Idaho will not be forgotten.

With close to 40 years in elected office, Moon was dedicated to improving his community and his State. His public service included time as an Idaho State Senator, a member of the Idaho State House of Representatives, Power County commissioner, and American Falls City councilman and mayor. He was part of numerous Idaho State Senate committees, including on the Health and Welfare and Local Government and Taxation Committees, and interim committees. He also served as chairman of the Indian Affairs Council. Additionally, during his time as Power County commissioner, he was the legislative chair for the Idaho Association of Counties.

He had numerous other leadership roles, and he has been widely recognized for his outstanding leadership. This includes his tenure as the president of the Idaho Cities Association. Moon also served on the Idaho State University Alumni Board and on the Dean's Advisory Board for the College of Pharmacy. He earned the College of Pharmacy's 1999 Professional Achievement Award. In 1998, he was recognized with American Falls High School Education Foundation's first Outstanding Alumna Award, and Moon and his wife Ann were honored with the school's Heritage Award in 2009. These are just a few of his many achievements throughout his well-respected career and community involvement.

His considerable personal experience helped shape his public service. His family homesteaded in Idaho. He attended the University of Idaho and earned a pharmacy degree from Idaho State University. He utilized his degree as manager and owner of Rockland Pharmacy for more than 30 years. He was also a farmer, retaining the family farm until 2008. He was also an avid fly fisherman, camper, and gardener.

I extend my deep condolences to Ann, their children, grandchildren, great-grandson, and many friends and other family members. Moon built a legacy of dedicated service. He left a lasting mark in our communities through the many projects he spearheaded and supported and the countless lives he touched. His commitment to family and community and his exceptional work for Idahoans are central to his remarkable legacy of service.●

REMEMBERING BRYCE J. WINTERBOTTOM

● Mr. CRAPO. Mr. President, I wish today to honor the life of Bryce Winterbottom, who left a legacy of kindness, care for others, hard work and warmth in his too few years of life.

Bryce lived life to the fullest, and had a strong grasp on the things that mattered most. He is remembered as usually having at least one of his children—Caleb, Maryanne, Henry, and Timothy—by his side as he worked on a variety of projects that included building rockets and cars, stargazing and landscaping. He is known as someone who worked hard and enjoyed the outdoors, spending time with family and friends, hiking, gold panning, camping and flying. Bryce encouraged those around him, he was uplifting and liked to help others. Bryce was an Eagle Scout who mentored Boy Scouts and helped advise in the Lewiston High School Skills USA program. He was also a member of the Nez Perce County Sheriff's Air Posse.

Bryce is greatly missed in his hometown of Lewiston, where he was part of the heart of the community. He attended elementary, junior, and senior high school in Lewiston, and went on to serve a mission for the Church of Jesus Christ of Latter-day Saints in Colorado Springs, CO, before obtaining bachelor's and master's degrees in mechanical engineering from the University of Idaho and then working for Schweitzer Engineering. He married his high school sweetheart Amanda, and they built a wonderful family together.

May Bryce's love of life, service to others, enthusiasm, warmth and devotion to family live on in his children. I extend my deepest condolences to Amanda, Caleb, Maryanne, Henry, and Timothy; his parents Ed and Chris, his brothers and sisters, and his many other loved ones and friends. Bryce's light will burn bright in this world through the hearts of those who had the good fortune of being part of his beautiful life.●

CONGRATULATING ALLYSON LAMMIMAN

● Mr. HELLER. Mr. President, today I wish to recognize and congratulate Ms. Lammiman for being awarded the National Association of Agricultural Educators Agriscience Teacher of the Year award. Ms. Lammiman will receive her award at the NAAE convention in Las Vegas on December 5, along with a grant to purchase supplies and equipment for her classes. I am humbled and honored to congratulate her on being presented this prestigious award.

The National Association of Agricultural Educators named only six educators throughout the United States this year, and Ms. Lammiman, who is a teacher at Douglas High School in Minden, NV, is among the select few chosen. The National Agriscience Teacher of the Year award recognizes teachers who have inspired and enlightened their students through engaging and interactive lessons in the science of agriculture. Ms. Lammiman, who has taught at Douglas High School for the past 9 years, exemplifies these qualities. During her tenure, she has created several hands-on courses that allow students to apply in-class lessons to real-life situations in agricultural science.

Her mission to teach her students to think, rather than what to think, is displayed in the courses that she has available for students. Ms. Lammiman's students are truly receiving a hands-on education through her classes in floriculture, where children learn to operate a self-sufficient floriculture business; equine science, where they aided in the training and care of an adopted, orphaned foal named ''Flash;'' and natural resources, where the students create trails, raise Lahontan Cutthroat trout, and collect data on Nevada's wild horse population. Ms. Lammiman is not only an advocate for agriculture in the classroom, but is also a co-advisor for the local Future Farmers of America chapter. Through her role as a co-advisor, she recruits volunteers from the community to coach FFA teams, teaches the students to train horses, provides placements for the individualized work experience internship courses, and helps the students to raise livestock. The FFA serves to provide students the opportunity to become well-educated, skilled, and productive citizens through agricultural education.

It is no secret that teaching is one of the hardest jobs in the world and one of the most important. As a father of four children who attended Nevada's public schools, and as the husband of a lifelong teacher, I understand the important role that teachers play in enriching the lives of Nevada's students. Ensuring that America's youth are prepared to compete in the 21st century is critical for the future of our country. The State of Nevada is fortunate to be home to an educator like Ms. Lammiman, whose mission to educate children extends far beyond the walls of the classroom.

I ask my colleagues and all Nevadans to join me in thanking Ms. Lammiman for dedication to enriching the lives of Nevada's students and congratulating her on this great achievement.●

DAVIS COUNTY, IOWA

● Mr. HARKIN. Mr. President, the strength of my State of Iowa lies in its vibrant local communities, where citizens come together to foster economic development, make smart investments to expand opportunity, and take the initiative to improve the health and well-being of residents. Over the decades, I have witnessed the growth and revitalization of so many communities across my State. It has been deeply gratifying to see how my work in Congress has supported these local efforts.

I have always believed in accountability for public officials, and this, my final year in the Senate, is an appropriate time to give an accounting of my work across four decades representing Iowa in Congress. I take pride in accomplishments that have been national in scope—for instance, passing the Americans with Disabilities Act and spearheading successful farm bills. But I take a very special pride in projects that have made a big difference in local communities across my State.

Today I would like to give an accounting of my work with leaders and

residents of Davis County to build a legacy of a stronger local economy, better schools and educational opportunities, and a healthier, safer community.

Between 2001 and 2013, the creative leadership in your community has worked with me to successfully acquire financial assistance from programs I have fought hard to support, which have provided more than $30 million to the local economy.

Of course, my favorite memory of working together has to be the community's success in earning grants for fire safety equipment and facilities through FEMA, working with Bloomfield to renovate the Davis County Courthouse, and the J.H. Leon Building through Main Street Iowa challenge grant funds.

Among the highlights:

Keeping Iowa communities safe: I also firmly believe that our first responders need to be appropriately trained and equipped, able to respond to both local emergencies and to statewide challenges such as, for instance, the methamphetamine epidemic. Since 2001, Davis County's fire departments have received over $1.9 million for firefighter safety and operations equipment.

Main Street Iowa: One of the greatest challenges we face—in Iowa and all across America—is preserving the character and vitality of our small towns and rural communities. This isn't just about economics. It is also about maintaining our identity as Iowans. Main Street Iowa helps preserve Iowa's heart and soul by providing funds to revitalize downtown business districts. This program has allowed towns such as Bloomfield to use that money to leverage other investments to jumpstart change and renewal. I am so pleased that Davis County has earned $63,000 through this program. These grants build much more than buildings. They build up the spirit and morale of people in our small towns and local communities.

School grants: Every child in Iowa deserves to be educated in a classroom that is safe, accessible, and modern. That is why, for the past decade and a half, I have secured funding for the innovative Iowa Demonstration Construction Grant Program—better known among educators in Iowa as Harkin grants for public schools construction and renovation. Across 15 years, Harkin grants worth more than $132 million have helped school districts to fund a range of renovation and repair efforts—everything from updating fire safety systems to building new schools. In many cases, these Federal dollars have served as the needed incentive to leverage local public and private dollars, so it often has a tremendous multiplier effect within a school district. Over the years, Davis County has received $659,000 in Harkin grants. Similarly, schools in Davis County have received funds that I designated for Iowa Star Schools for technology totaling $35,000.

Agricultural and rural development: Because I grew up in a small town in rural Iowa, I have always been a loyal friend and fierce advocate for family farmers and rural communities. I have been a member of the House or Senate Agriculture Committee for 40 years—including more than 10 years as chairman of the Senate Agriculture Committee. Across the decades, I have championed farm policies for Iowans that include effective farm income protection and commodity programs; strong, progressive conservation assistance for agricultural producers; renewable energy opportunities; and robust economic development in our rural communities. Since 1991, through various programs authorized through the farm bill, Davis County has received more than $3.1 million from a variety of farm bill programs.

Disability Rights: Growing up, I loved and admired my brother Frank, who was deaf. I was deeply disturbed by the discrimination and obstacles he faced every day. That is why I have always been a passionate advocate for full equality for people with disabilities. As the primary author of the Americans with Disabilities Act and the ADA Amendments Act, I have had four guiding goals for our fellow citizens with disabilities: equal opportunity, full participation, independent living and economic self-sufficiency. Nearly a quarter century since passage of the ADA, I see remarkable changes in communities everywhere I go in Iowa—not just in curb cuts or closed-captioned television, but in the full participation of people with disabilities in our society and economy, folks who at long last have the opportunity to contribute their talents and to be fully included. These changes have increased economic opportunities for all citizens of Davis County, both those with and without disabilities. They make us proud to be a part of a community and country that respects the worth and civil rights of all of our citizens.

This is at least a partial accounting of my work on behalf of Iowa, and specifically Davis County, during my time in Congress. In every case, this work has been about partnerships, cooperation, and empowering folks at the State and local level, including in Davis County, to fulfill their own dreams and initiatives. And, of course, this work is never complete. Even after I retire from the Senate, I have no intention of retiring from the fight for a better, fairer, richer Iowa. I will always be profoundly grateful for the opportunity to serve the people of Iowa as their Senator.●

DELAWARE COUNTY, IOWA

● Mr. HARKIN. Mr. President, the strength of my State of Iowa lies in its vibrant local communities, where citizens come together to foster economic development, make smart investments to expand opportunity, and take the initiative to improve the health and well-being of residents. Over the decades, I have witnessed the growth and revitalization of so many communities across my State. It has been deeply gratifying to see how my work in Congress has supported these local efforts.

I have always believed in accountability for public officials, and this, my final year in the Senate, is an appropriate time to give an accounting of my work across four decades representing Iowa in Congress. I take pride in accomplishments that have been national in scope—for instance, passing the Americans with Disabilities Act and spearheading successful farm bills. But I take a very special pride in projects that have made a big difference in local communities across my State.

Today I would like to give an accounting of my work with leaders and residents of Delaware County to build a legacy of a stronger local economy, better schools and educational opportunities, and a healthier, safer community.

Between 2001 and 2013, the creative leadership in your community has worked with me to successfully acquire financial assistance from programs I have fought hard to support, which have provided more than $9 million to the local economy.

Of course, my favorite memory of working together has to be working together to mitigate and prevent damage from natural disasters. In 1993, when historic floods ripped through Iowa, it became clear to me that the national emergency-response infrastructure was woefully inadequate to meet the needs of Iowans in flood-ravaged communities. I went to work dramatically expanding the Federal Emergency Management Agency's hazard mitigation program, which helps communities reduce the loss of life and property due to natural disasters and enables mitigation measures to be implemented during the immediate recovery period. Disaster relief means more than helping people and businesses get back on their feet after a disaster, it means doing our best to prevent the same predictable flood or other catastrophe from recurring in the future. The hazard mitigation program that I helped create in 1993 has provided critical support to Iowa communities impacted by the devastating floods of 2008. Delaware County has received over $5 million to remediate and prevent widespread destruction from natural disasters.

Among the highlights:

School grants: Every child in Iowa deserves to be educated in a classroom that is safe, accessible, and modern. That is why, for the past decade and a half, I have secured funding for the innovative Iowa Demonstration Construction Grant Program—better known among educators in Iowa as Harkin grants for public schools construction and renovation. Across 15 years, Harkin grants worth more than $132 million have helped school districts to fund a range of renovation and

repair efforts—everything from updating fire safety systems to building new schools. In many cases, these Federal dollars have served as the needed incentive to leverage local public and private dollars, so it often has a tremendous multiplier effect within a school district. Over the years, Delaware County has received $458,158 in Harkin grants. Similarly, schools in Delaware County have received funds that I designated for Iowa Star Schools for technology totaling $27,650.

Agricultural and rural development: Because I grew up in a small town in rural Iowa, I have always been a loyal friend and fierce advocate for family farmers and rural communities. I have been a member of the House or Senate Agriculture Committee for 40 years—including more than 10 years as chairman of the Senate Agriculture Committee. Across the decades, I have championed farm policies for Iowans that include effective farm income protection and commodity programs; strong, progressive conservation assistance for agricultural producers; renewable energy opportunities; and robust economic development in our rural communities. Since 1991, through various programs authorized through the farm bill, Delaware County has received more than $6.5 million from a variety of farm bill programs.

Keeping Iowa communities safe: I also firmly believe that our first responders need to be appropriately trained and equipped, able to respond to both local emergencies and to statewide challenges such as, for instance, the methamphetamine epidemic. Since 2001, Delaware County's fire departments have received over $1 million for firefighter safety and operations equipment.

Disability rights: Growing up, I loved and admired my brother Frank, who was deaf. But I was deeply disturbed by the discrimination and obstacles he faced every day. That is why I have always been a passionate advocate for full equality for people with disabilities. As the primary author of the Americans with Disabilities Act and the ADA Amendments Act, I have had four guiding goals for our fellow citizens with disabilities: equal opportunity, full participation, independent living and economic self-sufficiency. Nearly a quarter century since passage of the ADA, I see remarkable changes in communities everywhere I go in Iowa—not just in curb cuts or closed captioned television, but in the full participation of people with disabilities in our society and economy, folks who at long last have the opportunity to contribute their talents and to be fully included. These changes have increased economic opportunities for all citizens of Delaware County, both those with and without disabilities. And they make us proud to be a part of a community and country that respects the worth and civil rights of all of our citizens.

This is at least a partial accounting of my work on behalf of Iowa, and specifically Delaware County, during my time in Congress. In every case, this work has been about partnerships, cooperation, and empowering folks at the State and local level, including in Delaware County, to fulfill their own dreams and initiatives. And, of course, this work is never complete. Even after I retire from the Senate, I have no intention of retiring from the fight for a better, fairer, richer Iowa. I will always be profoundly grateful for the opportunity to serve the people of Iowa as their Senator.●

REMEMBERING MICHAEL CARROLL

● Mr. MANCHIN. Mr. President, I wish to honor the remarkable life of a young West Virginian, Michael Carroll, who sadly lost his life to cancer on July 3. Although he said goodbye to family, friends and loved ones far too early, Michael led a tremendously accomplished life during his 17 years, and he truly touched the lives of so many with his heartfelt and inspirational efforts to help other children around the world battle cancer. Although we are all heartbroken about Michael's passing, it is a privilege to celebrate his extraordinary achievements.

A Wheeling native, Michael Paul Carroll was diagnosed with leukemia in 2003. After 3 years of treatment, he won his battle with cancer. Unfortunately in 2013, after years in remission, Michael was diagnosed with a glioblastoma grade IV brain tumor due to the radiation from previous treatment.

Yet, even though he was once again fighting for his own life, Michael's illness never stopped him from making a difference in the lives of other children suffering from cancer. While battling his brain tumor, Michael came up with the idea to design a stress relief toy that helps kids cope with cancer. The idea is that anytime young cancer patients feel frustrated with their treatment or have a bad day, they can exert their anger into these toys. After some thought and help from the community, he created Michael's Meanies so ''a child with cancer can give it back to their sickness,'' he said. Michael invented three beanies after the three types of childhood cancers: Terry the Terrible Tumor, Lily Lymphoma, and Lousy Louie Leukemia.

Michael once said:

> I wanted to give something to the kids that they could take their anger out on. I thought of making these into a stress ball-like toy that the kids can squeeze hard, punch or even throw them. My ultimate goal is for every child diagnosed with cancer to get one during their treatment.

Although his ultimate goal has yet to be achieved, Michael's reach knows no bounds and he was able to help children around the world. With 15,000 meanies made, it is not rare to see a child holding one of Michael's Meanies in a children's hospital in all 50 States, Puerto Rico, Canada, England, Australia, and New Zealand. Through his meanies, Michael continues to make children's daily battle with cancer a little easier.

While making a difference throughout West Virginia, the United States and the world, Michael also made a significant impact in his hometown of Wheeling. He truly touched each person he met. Michael attended Wheeling Park High School, and also volunteered at the Ohio Valley Medical Center and St. Alphonsus Catholic Church. He often visited children's hospitals to spread laughter and joy while meeting with cancer patients. Michael said, ''I take everything with humor,'' and wisely stated that laughter is the best medicine.

The strength that Michael mustered every day should inspire not only our sick young, but his resilience and goodwill should inspire all of us. His legacy and influence will live on through his meanies as they comfort children fighting for their lives around the world. Michael, thank you for the gift you have left for us all.●

RECOGNIZING FLORIDA ALZHEIMER'S CAREGIVERS

● Mr. NELSON. Mr. President, I wish to recognize two exceptional Floridians who have sacrificed to serve as caregivers for Alzheimer's patients. Their stories were recently published in the latest edition of ''Chicken Soup for the Soul: Living with Alzheimer's & Other Dementias.'' The book, a compilation of 101 short stories, has previously discussed a range of other medical issues and diseases. For this latest publication, ''Chicken Soup'' partnered with the national Alzheimer's Association to tackle the difficult topic of Alzheimer's disease and dementias and to share the stories of the families who face the challenges of this disease. The heartbreaking stories that Laura Suihkonen Jones, of Lighthouse Point, and Jean Salisbury Campbell, of Fort Lauderdale, shared of their families' experience with Alzheimer's were chosen for inclusion from nearly 4,000 entries.

Today, Laura serves the Alzheimer's Association's Southeast Florida Chapter as its liaison to Congresswoman LOIS FRANKEL, and coordinates an Alzheimer's support group at Calvary Chapel in Fort Lauderdale. She wrote her story, ''Fear and Self-Pity Are My Mortal Enemies,'' to share both the pain and joy of caring for her husband, Jay, who received his diagnosis 7 years ago at age 50 when their daughter was just 3 years old. Laura strives every day to be a message of hope, particularly for those families who receive Alzheimer's diagnoses at younger ages. Alzheimer's disease is growing rapidly, and recently 5.2 million people age 65 and older, as well as 200,000 individuals under age 65 were diagnosed.

Jean, a retired Broward County school psychologist, shares her personal testimony of caring for her elderly mother, the late Elizabeth Salisbury. Her essay, ''The Bird,'' recounts

an experience in an early stage of her mother's disease. In the middle of the night, her mother frantically woke up her family insisting that a bird had flown into the house. Those caring for her insisted there was no bird and that she was suffering from a hallucination common of the disease until they escorted her back to her room, where they found a large black bird in the room. This particular incident serves to remind of the importance of treating Alzheimer's patients with dignity and listening to what they have to say regardless of their disease.

As chairman of the Aging Committee, I want to recognize these two exceptional caregivers, whose heart-wrenching stories will become all too common among American families in the coming decades. This new edition of ''Chicken Soup'' is particularly timely as our Nation grapples with a significant increase in Alzheimer's disease, with the number of diagnoses expected to rise to 16 million by 2050. In Florida today, nearly half a million Floridians over the age of 65 are living with Alzheimer's disease, and this number is projected to continue rising in the coming years.

As we recall our recent observance of Alzheimer's and Brain Awareness Month in June and recognize the stories of these two Florida women, it is important that we take the time to focus our resources to address this disease and remember that an Alzheimer's diagnosis impacts not only the patient, but the whole family. As the number of American families facing similar and equally difficult circumstances increases, we must ensure that those living with the disease are guaranteed the best quality care and their loved ones, like Laura and Jean, are supported as much as possible.●

MESSAGE FROM THE HOUSE

At 4:43 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the text of the bill (H.R. 803) to reform, and strengthen the workforce investment system of the Nation to put Americans back to work and make the United States more competitive in the 21st century, and that the House agrees to the amendment of the Senate to the title of the aforementioned bill.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 2578. A bill to ensure that employers cannot interfere in their employees' birth control and other health care decisions.

S. 2579. A bill to require the Secretary of State to offer rewards totaling up to $5,000,000 for information on the kidnapping and murder of Naftali Fraenkel, a dual United States-Israeli citizen, that began on June 12, 2014.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6384. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report entitled ''Fiscal Year 2013 Inventory of Contracts for Services''; to the Committee on Armed Services.

EC–6385. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Richard T. Tryon, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–6386. A communication from the Division Chief of Regulatory Affairs, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Required Fees for Mining Claims or Sites'' (RIN1004–AE35) received in the Office of the President of the Senate on July 7, 2014; to the Committee on Energy and Natural Resources.

EC–6387. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 14–015); to the Committee on Foreign Relations.

EC–6388. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 14–026); to the Committee on Foreign Relations.

EC–6389. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 14–058); to the Committee on Foreign Relations.

EC–6390. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 14–030); to the Committee on Foreign Relations.

EC–6391. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 14–057); to the Committee on Foreign Relations.

EC–6392. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 14–025); to the Committee on Foreign Relations.

EC–6393. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 14–033); to the Committee on Foreign Relations.

EC–6394. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 14–049); to the Committee on Foreign Relations.

EC–6395. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the current and future military strategy of Iran (OSS–2014–0967); to the Committee on Armed Services.

EC–6396. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, of the proposed sale or export of defense articles and/or defense services to a Middle East country (OSS–2014–0964); to the Committee on Foreign Relations.

EC–6397. A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, of the proposed sale or export of defense articles and/or defense services to a Middle East country (OSS–2014–0965); to the Committee on Foreign Relations.

EC–6398. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to revoking the designation of a group designated as a Foreign Terrorist Organization (OSS–2014–0968); to the Committee on Foreign Relations.

EC–6399. A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, of the proposed sale or export of defense articles and/or defense services to a Middle East country (OSS–2014–0966); to the Committee on Foreign Relations.

EC–6400. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations for Marine Events, Nanticoke River; Bivalve, MD'' ((RIN1625–AA08) (Docket No. USCG–2014–0138)) received during adjournment of the Senate in the Office of the President of the Senate on June 30, 2014; to the Committee on Commerce, Science, and Transportation.

EC–6401. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation; Annual Swim around Key West, Atlantic Ocean and Gulf of Mexico; Key West, FL'' ((RIN1625–AA08) (Docket No. USCG–2014–0073)) received during adjournment of the Senate in the Office of the President of the Senate on June 30, 2014; to the Committee on Commerce, Science, and Transportation.

EC–6402. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Execpro Services Fireworks Display, Lake Tahoe, Incline Village, NV'' ((RIN1625–AA00) (Docket No. USCG–2014–0402)) received during adjournment of the Senate in the Office of the President of the Senate on June 30, 2014; to the Committee on Commerce, Science, and Transportation.

EC–6403. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Lady Liberty Sharkfest Swim; Upper New York Bay, Liberty Island, NY'' ((RIN1625–AA00) (Docket No. USCG–2014–0117)) received during adjournment of the Senate in the Office of the President of the Senate on June 30, 2014; to the Committee on Commerce, Science, and Transportation.

EC–6404. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Hudson River Swim for Life; Hudson River, Sleepy Hollow, New York'' ((RIN1625–AA00) (Docket No. USCG–2014–0363)) received during adjournment of the Senate in the Office of the President of the Senate on June 30, 2014; to the Committee on Commerce, Science, and Transportation.

EC–6405. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Hawaiian Island Commercial

Harbors, HI'' ((RIN1625–AA00) (Docket No. USCG–2013–0021)) received during adjournment of the Senate in the Office of the President of the Senate on June 30, 2014; to the Committee on Commerce, Science, and Transportation.

EC–6406. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; TriRock San Diego, San Diego Bay, San Diego, CA'' ((RIN1625–AA00) (Docket No. USCG–2013–0555)) received during adjournment of the Senate in the Office of the President of the Senate on June 30, 2014; to the Committee on Commerce, Science, and Transportation.

EC–6407. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Fairfield Estates Fireworks Display, Atlantic Ocean, Sagaponack, NY'' ((RIN1625–AA00) (Docket No. USCG–2013–0212)) received during adjournment of the Senate in the Office of the President of the Senate on June 30, 2014; to the Committee on Commerce, Science, and Transportation.

EC–6408. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone, Schuylkill River; Philadelphia, PA'' ((RIN1625–AA00) (Docket No. USCG–2014–0342)) received during adjournment of the Senate in the Office of the President of the Senate on June 30, 2014; to the Committee on Commerce, Science, and Transportation.

EC–6409. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zones; Annually Recurring Events in Coast Guard Southeastern New England Captain of the Port Zone'' ((RIN1625–AA00) (Docket No. USCG–2014–0061)) received during adjournment of the Senate in the Office of the President of the Senate on June 30, 2014; to the Committee on Commerce, Science, and Transportation.

EC–6410. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation; Tennessee River, Mile 464.0 to 465.0, Chattanooga, TN'' ((RIN1625–AA08) (Docket No. USCG–2014–0323)) received during adjournment of the Senate in the Office of the President of the Senate on June 30, 2014; to the Committee on Commerce, Science, and Transportation.

EC–6411. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Arts Project Cherry Grove Pride Week Fireworks Display; Great South Bay; Cherry Grove, Fire Island, NY'' ((RIN1625–AA00) (Docket No. USCG–2014–0180)) received during adjournment of the Senate in the Office of the President of the Senate on June 30, 2014; to the Committee on Commerce, Science, and Transportation.

EC–6412. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Texas City Channel, Texas City, TX'' ((RIN1625–AA00) (Docket No. USCG–2014–0034)) received during adjournment of the Senate in the Office of the President of the Senate on June 30, 2014; to the Committee on Commerce, Science, and Transportation.

EC–6413. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zones; July 4th Fireworks Displays within the Captain of the Port Zone, Miami, FL'' ((RIN1625–AA00) (Docket No. USCG–2014–0165)) received during adjournment of the Senate in the Office of the President of the Senate on June 30, 2014; to the Committee on Commerce, Science, and Transportation.

EC–6414. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Tennessee River mile 4.8 to 5.8; Ledbetter, KY'' ((RIN1625–AA00) (Docket No. USCG–2014–0301)) received during adjournment of the Senate in the Office of the President of the Senate on June 30, 2014; to the Committee on Commerce, Science, and Transportation.

EC–6415. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone, Chesapeake Bay; Cape Charles, VA'' ((RIN1625–AA00) (Docket No. USCG–2014–0298)) received during adjournment of the Senate in the Office of the President of the Senate on June 30, 2014; to the Committee on Commerce, Science, and Transportation.

EC–6416. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone, Urbanna Creek; Saluda, VA'' ((RIN1625–AA00) (Docket No. USCG–2014–0372)) received during adjournment of the Senate in the Office of the President of the Senate on June 30, 2014; to the Committee on Commerce, Science, and Transportation.

EC–6417. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Cape Fear River; Wilmington, NC'' ((RIN1625–AA00) (Docket No. USCG–2014–0413)) received during adjournment of the Senate in the Office of the President of the Senate on June 30, 2014; to the Committee on Commerce, Science, and Transportation.

EC–6418. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; I–90 Inner-belt Bridge Demolition, Cuyahoga River, Cleveland, OH'' ((RIN1625–AA00) (Docket No. USCG–2014–0425)) received during adjournment of the Senate in the Office of the President of the Senate on June 30, 2014; to the Committee on Commerce, Science, and Transportation.

EC–6419. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Rules and Regulations Under the Wool Products Labeling Act of 1939'' (RIN3084–AB29) received in the Office of the President of the Senate on July 8, 2014; to the Committee on Commerce, Science, and Transportation.

EC–6420. A communication from the Secretary, Office of the General Counsel, Federal Maritime Commission, transmitting, pursuant to law, the report of a rule entitled ''Inflation Adjustment of Civil Monetary Penalties'' (RIN3072–AC55) received in the Office of the President of the Senate on July 7, 2014; to the Committee on Commerce, Science, and Transportation.

EC–6421. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Vice Admiral William D. French, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–6422. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Withdrawal of Labeling of Pesticide Products and Devices for Export'' ((RIN2070–AJ53) (FRL No. 9913–18)) received in the Office of the President of the Senate on July 9, 2014; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6423. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''National Poultry Improvement Plan and Auxiliary Provisions'' (RIN0579–AD83) received in the Office of the President of the Senate on July 9, 2014; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6424. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Export Administration Regulations (EAR): Control of Military Electronic Equipment and Other Items the President Determines No Longer Warrant Control Under the United States Munitions List (USML)'' (RIN0694–AF39) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2014; to the Committee on Banking, Housing, and Urban Affairs.

EC–6425. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Delaware, District of Columbia, and West Virginia; Control of Emissions from Existing Sewage Sludge Incinerator Units'' (FRL No. 9913–32–Region 3) received in the Office of the President of the Senate on July 9, 2014; to the Committee on Environment and Public Works.

EC–6426. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland; Low Emission Vehicle Program'' (FRL No. 9913–30–Region 3) received in the Office of the President of the Senate on July 9, 2014; to the Committee on Environment and Public Works.

EC–6427. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Regional Haze'' (A–1–FRL–9810–2) received in the Office of the President of the Senate on July 9, 2014; to the Committee on Environment and Public Works.

EC–6428. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Control of Commercial Fuel Oil Sulfur Limits for Combustion Units'' (FRL No. 9913–26–Region 3) received in the Office of the President of the Senate on July 9, 2014; to the Committee on Environment and Public Works.

EC–6429. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Placer County Air Pollution Control District and South Coast Air

Quality Management District'' (FRL No. 9913–12–Region 9) received in the Office of the President of the Senate on July 9, 2014; to the Committee on Environment and Public Works.

EC–6430. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Illinois; Latham Pool Adjusted Standard'' (FRL No. 9912–19–Region 5) received in the Office of the President of the Senate on July 9, 2014; to the Committee on Environment and Public Works.

EC–6431. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Minor New Source Review'' (FRL No. 9913–42–Region 3) received in the Office of the President of the Senate on July 9, 2014; to the Committee on Environment and Public Works.

EC–6432. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Idaho: Infrastructure Requirements for the 1997 and 2006 Fine Particulate Matter and 2008 Ozone National Ambient Air Quality Standards'' (FRL No. 9913–28–Region 10) received in the Office of the President of the Senate on July 9, 2014; to the Committee on Environment and Public Works.

EC–6433. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Texas; Revisions to the New Source Review State Implementation Plan; Flexible Permit Program'' (FRL No. 9913–48–Region 6) received in the Office of the President of the Senate on July 9, 2014; to the Committee on Environment and Public Works.

EC–6434. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Significant New Use Rules on Certain Chemical Substances'' (FRL No. 9910–01–OCSPP) received in the Office of the President of the Senate on July 9, 2014; to the Committee on Environment and Public Works.

EC–6435. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland; Section 110(a)(2) Infrastructure Requirements for the 2010 Nitrogen Dioxide National Ambient Air Quality Standards'' (FRL No. 9913–41–Region 3) received in the Office of the President of the Senate on July 9, 2014; to the Committee on Environment and Public Works.

EC–6436. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Longevity Annuity Contracts'' ((RIN1545–BK23) (TD 9673)) received in the Office of the President of the Senate on July 9, 2014; to the Committee on Finance.

EC–6437. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 14–066); to the Committee on Foreign Relations.

EC–6438. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Health, United States, 2013''; to the Committee on Health, Education, Labor, and Pensions.

EC–6439. A communication from the Special Counsel, Office of the Special Counsel, transmitting, pursuant to law, a report entitled ''Annual Report to Congress for Fiscal Year 2013''; to the Committee on Homeland Security and Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–294. A resolution adopted by the Council of the City of Cincinnati, Ohio, urging the Ohio congressional delegation to support all peaceful political actions that would result in the reunification of Ireland; to the Committee on Foreign Relations.

POM–295. A resolution adopted by the Council of the City of Upland, California, urging the California congressional delegation to support postal reform that would: secure the continuance of 6-day mail delivery; stabilize the Postal Service's finances by reforming or eliminating future retiree health financing policies that are crippling the Postal Service's finances; strengthen and protect the Postal Service's invaluable mail processing, retail, and last-mile delivery networks that together comprise a crucial part of the nation's infrastructure; retain door-to-door delivery for 30 million plus households and businesses; to the Committee on Homeland Security and Governmental Affairs.

POM–296. A resolution adopted by the Council of the City of Redlands, California, urging the California congressional delegation to support postal reform that would: secure the continuance of 6-day mail delivery; stabilize the Postal Service's finances by reforming or eliminating future retiree health financing policies that are hindering the Postal Service's finances and growth opportunities; strengthen and protect the Postal Service's invaluable mail processing, retail, and last-mile delivery networks that together comprise a crucial part of the nation's infrastructure; retain door-to-door delivery for 30 million plus households and businesses; to the Committee on Homeland Security and Governmental Affairs.

POM–297. A resolution approved by the Electors of the City of Lake Mills, Wisconsin, supporting the passage of an amendment to the United States Constitution stating: only human beings—not corporations, limited liability companies, unions, nonprofit organizations, or similar associations and corporate entities—are endowed with Constitutional rights, and spending money is not speech protected by the First Amendment to the U.S. Constitution and, therefore, regulating political contributions and spending is not equivalent to limiting political speech; to the Committee on the Judiciary.

POM–298. A resolution adopted by the City Commission of Miami, Florida, urging the President of the United States and members of the Congress of the United States to grant temporary protective status to Venezuelans living in the United States and to suspend any further deportations of unauthorized Venezuelan individuals with no serious criminal history, to extend Deferred Action to all eligible undocumented members of Venezuelan immigrant families, to end the firing of Venezuelan undocumented workers by ending the I–9 audits and the use of E–Verify System, and to encourage the Secretary of Homeland Security to approve TPS for Venezuelans whose immigration status has expired; to the Committee on the Judiciary.

POM–299. A resolution adopted by the City Council of Big Spring, Texas, calling upon the Texas congressional delegation to affirm the rights of citizens under the Second Amendment and that all federal acts, laws, executive orders, agency orders, and rules or regulations of any kind that confiscate any firearm, ban any firearm, limit the size of a magazine for any firearm, impose any limit on the ammunition that may be purchased for any firearm, special taxation on any firearm or ammunition, or require the registration of any firearm or ammunition therefore, infringes upon the right to bear arms in direct violation of the Second Amendment to the Constitution of the United States; to the Committee on the Judiciary.

POM–300. A resolution approved by the Electors of the Town of Waterloo, Wisconsin, supporting the passage of an amendment to the United States Constitution stating: only human beings—not corporations, unions, limited liability companies, non-profit organizations, or similar associations and corporate entities—are endowed with Constitutional rights, and money is not speech, and therefore regulating political contributions and spending is not equivalent to limiting political speech; to the Committee on the Judiciary.

POM–301. A resolution adopted by the Legislature of Greene County, New York, urging the Congress of the United States to support the health and welfare of all veterans as a priority, and to pass H.R. 1494, the ''Blue Water Navy Accountability Act''; to the Committee on Veterans' Affairs.

POM–302. A resolution adopted by the Legislature of Greene County, New York, urging the Congress of the United States to restore the presumption of a service connection for Agent Orange exposure to the United States veterans who served on the inland waterways, in the territorial waters, and the airspace over the combat zone; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 517. A bill to promote consumer choice and wireless competition by permitting consumers to unlock mobile wireless devices, and for other purposes.

By Mrs. FEINSTEIN, from the Select Committee on Intelligence, without amendment:

S. 2588. An original bill to improve cybersecurity in the United States through enhanced sharing of information about cybersecurity threats, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ISAKSON (for himself and Mr. CHAMBLISS):

S. 2580. A bill to redesignate the Ocmulgee National Monument in the State of Georgia, to revise the boundary of that monument, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. NELSON (for himself, Mr. BLUMENTHAL, Mrs. BOXER, Mr. BROWN, Mr. DURBIN, Mr. HARKIN, Mr. MARKEY, Mr. MERKLEY, Mr. PRYOR, Mr. SCHUMER, and Mr. BENNET):

S. 2581. A bill to require the Consumer Product Safety Commission to promulgate a rule to require child safety packaging for liquid nicotine containers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. UDALL of New Mexico:

S. 2582. A bill to establish a pilot program to assist in expanding and diversifying the business of small business concerns that rely on amounts awarded for Federal contracts and subcontracts; to the Committee on Small Business and Entrepreneurship.

By Mrs. FISCHER (for herself and Mr. ROCKEFELLER):

S. 2583. A bill to promote the non-exclusive use of electronic labeling for devices licensed by the Federal Communications Commission; to the Committee on Commerce, Science, and Transportation.

By Mr. KAINE (for himself, Mr. PORTMAN, and Mr. WARNER):

S. 2584. A bill to amend the Carl D. Perkins Career and Technical Education Act of 2006 to raise the quality of career and technical education programs and to allow local eligible recipients to use funding to establish high-quality career academics; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KIRK (for himself and Mr. RUBIO):

S. 2585. A bill to impose additional sanctions with respect to Iran to protect against human rights abuses in Iran, and for other purposes; to the Committee on Foreign Relations.

By Mr. KIRK (for himself and Mr. RUBIO):

S. 2586. A bill to establish a smart card pilot program under the Medicare program; to the Committee on Finance.

By Mr. ALEXANDER:

S. 2587. A bill to amend the Endangered Species Act of 1973 to protect and conserve species and the lawful possession of certain ivory in the United States, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. FEINSTEIN:

S. 2588. An original bill to improve cybersecurity in the United States through enhanced sharing of information about cybersecurity threats, and for other purposes; from the Select Committee on Intelligence; placed on the calendar.

By Mr. DURBIN (for himself, Mr. HARKIN, Mr. WHITEHOUSE, Mr. BROWN, and Mr. FRANKEN):

S. 2589. A bill to amend title 11, United States Code, to improve protections for employees and retirees in business bankruptcies; to the Committee on the Judiciary.

By Mr. TESTER (for himself and Mr. WALSH):

S. 2590. A bill to advance the purposes of the Lewis and Clark National Historic Trail Interpretive Center, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. RUBIO (for himself and Mrs. SHAHEEN):

S. 2591. A bill to authorize the Secretary of State and the Administrator of the United States Agency for International Development to provide assistance to support the rights of women and girls in developing countries, and for other purposes; to the Committee on Foreign Relations.

By Mr. HOEVEN (for himself, Mr. MCCAIN, Ms. MURKOWSKI, and Mr. BARRASSO):

S. 2592. A bill to promote energy production and security, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN (for himself, Mr. BARRASSO, and Mr. FLAKE):

S. 2593. A bill to amend the FLAME Act of 2009 to provide for additional wildfire suppression activities, to provide for the conduct of certain forest treatment projects, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CASEY (for himself and Mr. TOOMEY):

S. 2594. A bill to redesignate the railroad station located at 2955 Market Street in Philadelphia, Pennsylvania, commonly known as ''30th Street Station'', as the ''William H. Gray 30th Street Station''; to the Committee on Commerce, Science, and Transportation.

By Ms. KLOBUCHAR (for herself, Mr. LEAHY, Mr. LEVIN, Ms. STABENOW, Mr. SANDERS, Mr. FRANKEN, Mrs. GILLIBRAND, and Ms. BALDWIN):

S. 2595. A bill to revise the authorized route of the North Country National Scenic Trail in northeastern Minnesota and to extend the trail into Vermont to connect with the Appalachian National Scenic Trail, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRAHAM (for himself, Mr. MENENDEZ, Ms. AYOTTE, Mr. SCHUMER, Mr. MCCAIN, Mr. CORKER, Mr. RUBIO, Mr. BLUNT, Mr. KIRK, Mr. TOOMEY, Mr. ALEXANDER, Mr. MORAN, Mr. JOHANNS, Mr. HELLER, Mr. INHOFE, Mrs. FISCHER, Ms. COLLINS, Mr. CRUZ, Mr. VITTER, Mr. PAUL, Mr. BLUMENTHAL, Mrs. BOXER, Mr. NELSON, Mr. FRANKEN, Ms. MURKOWSKI, Mr. THUNE, Mr. GRASSLEY, Mr. HATCH, Mr. MURPHY, Mr. SCOTT, Mr. CARDIN, Mr. CRAPO, Mr. CHAMBLISS, Mr. ROBERTS, Mr. CASEY, Mr. WICKER, Mr. COATS, Mrs. SHAHEEN, Mr. TESTER, Mr. KAINE, Mr. LEE, and Mr. BEGICH):

S. Res. 498. A resolution expressing the sense of the Senate regarding United States support for the State of Israel as it defends itself against unprovoked rocket attacks from the Hamas terrorist organization; to the Committee on Foreign Relations.

By Mr. MANCHIN:

S. Res. 499. A resolution congratulating the American Motorcyclist Association on its 90th Anniversary; to the Committee on the Judiciary.

By Mrs. SHAHEEN (for herself, Mr. RUBIO, Mr. MENENDEZ, Mr. MCCAIN, and Mr. MURPHY):

S. Res. 500. A resolution expressing the sense of the Senate with respect to enhanced relations with the Republic of Moldova and support for the Republic of Moldova's territorial integrity; to the Committee on Foreign Relations.

By Mr. PRYOR (for himself, Mr. BOOZMAN, and Mr. DONNELLY):

S. Con. Res. 39. A concurrent resolution expressing the sense of Congress regarding support for voluntary, incentive-based, private land conservation implemented through cooperation with local soil and water conservation districts; to the Committee on Agriculture, Nutrition, and Forestry.

ADDITIONAL COSPONSORS

S. 517

At the request of Mr. LEAHY, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 517, a bill to promote consumer choice and wireless competition by permitting consumers to unlock mobile wireless devices, and for other purposes.

S. 577

At the request of Mr. NELSON, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 577, a bill to amend title XVIII of the Social Security Act to provide for the distribution of additional residency positions, and for other purposes.

S. 632

At the request of Mr. MCCAIN, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 632, a bill to amend the Food, Conservation, and Energy Act of 2008 to repeal a duplicative program relating to inspection and grading of catfish.

S. 908

At the request of Mr. JOHNSON of South Dakota, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 908, a bill to amend the Public Health Service Act to improve the diagnosis and treatment of hereditary hemorrhagic telangiectasia, and for other purposes.

S. 1249

At the request of Mr. BLUMENTHAL, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1249, a bill to rename the Office to Monitor and Combat Trafficking of the Department of State the Bureau to Monitor and Combat Trafficking in Persons and to provide for an Assistant Secretary to head such Bureau, and for other purposes.

S. 1391

At the request of Mr. HARKIN, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 1391, a bill to amend the Age Discrimination in Employment Act of 1967 and other laws to clarify appropriate standards for Federal employment discrimination and retaliation claims, and for other purposes.

S. 1507

At the request of Mr. MORAN, the name of the Senator from Nebraska (Mrs. FISCHER) was added as a cosponsor of S. 1507, a bill to amend the Internal Revenue Code of 1986 to clarify the treatment of general welfare benefits provided by Indian tribes.

S. 1517

At the request of Mr. WHITEHOUSE, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1517, a bill to amend the Public Health Services Act and the Social Security Act to extend health information technology assistance eligibility to behavioral health, mental health, and substance abuse

professionals and facilities, and for other purposes.

S. 1675

At the request of Mr. WHITEHOUSE, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of S. 1675, a bill to reduce recidivism and increase public safety, and for other purposes.

S. 1923

At the request of Mr. MANCHIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1923, a bill to amend the Securities Exchange Act of 1934 to exempt from registration brokers performing services in connection with the transfer of ownership of smaller privately held companies.

S. 2047

At the request of Mrs. BOXER, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2047, a bill to prohibit the marketing of electronic cigarettes to children, and for other purposes.

S. 2132

At the request of Mr. BARRASSO, the name of the Senator from Nebraska (Mrs. FISCHER) was added as a cosponsor of S. 2132, a bill to amend the Indian Tribal Energy Development and Self-Determination Act of 2005, and for other purposes.

S. 2231

At the request of Mr. ROCKEFELLER, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 2231, a bill to amend title 10, United States Code, to provide an individual with a mental health assessment before the individual enlists in the Armed Forces or is commissioned as an officer in the Armed Forces, and for other purposes.

S. 2250

At the request of Ms. KLOBUCHAR, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 2250, a bill to extend the Travel Promotion Act of 2009, and for other purposes.

S. 2301

At the request of Mr. HATCH, the names of the Senator from Florida (Mr. RUBIO) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of S. 2301, a bill to amend section 2259 of title 18, United States Code, and for other purposes.

S. 2329

At the request of Mrs. SHAHEEN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 2329, a bill to prevent Hezbollah from gaining access to international financial and other institutions, and for other purposes.

S. 2363

At the request of Mrs. HAGAN, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 2363, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

S. 2395

At the request of Mr. MENENDEZ, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 2395, a bill to repeal the Authorization for Use of Military Force Against Iraq Resolution of 2002.

S. 2406

At the request of Mr. REED, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 2406, a bill to amend title XII of the Public Health Service Act to expand the definition of trauma to include thermal, electrical, chemical, radioactive, and other extrinsic agents.

S. 2417

At the request of Mr. BENNET, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2417, a bill to provide greater controls and restriction on revolving door lobbying.

S. 2449

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2449, a bill to reauthorize certain provisions of the Public Health Service Act relating to autism, and for other purposes.

S. 2481

At the request of Mrs. SHAHEEN, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 2481, a bill to amend the Small Business Act to provide authority for sole source contracts for certain small business concerns owned and controlled by women, and for other purposes.

S. 2538

At the request of Mr. KIRK, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 2538, a bill to amend the Public Health Service Act to revise and extend the program for viral hepatitis surveillance, education, and testing in order to prevent deaths from chronic liver disease and liver cancer, and for other purposes.

S. 2545

At the request of Ms. AYOTTE, the names of the Senator from Arizona (Mr. FLAKE), the Senator from Montana (Mr. WALSH) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 2545, a bill to require the Secretary of Veterans Affairs to revoke bonuses paid to employees involved in electronic wait list manipulations, and for other purposes.

S. 2565

At the request of Mrs. SHAHEEN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2565, a bill to amend the Internal Revenue Code of 1986 to enhance the dependent care tax credit, and for other purposes.

S. 2578

At the request of Mrs. MURRAY, the names of the Senator from Delaware (Mr. COONS) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 2578, a bill to ensure that employers cannot interfere in their employees' birth control and other health care decisions.

AMENDMENT NO. 3444

At the request of Mr. JOHANNS, his name was added as a cosponsor of amendment No. 3444 intended to be proposed to S. 2363, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

AMENDMENT NO. 3451

At the request of Mr. JOHANNS, his name was added as a cosponsor of amendment No. 3451 intended to be proposed to S. 2363, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

AMENDMENT NO. 3458

At the request of Mr. CRUZ, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of amendment No. 3458 intended to be proposed to S. 2363, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

AMENDMENT NO. 3474

At the request of Mr. JOHANNS, his name was added as a cosponsor of amendment No. 3474 intended to be proposed to S. 2363, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

AMENDMENT NO. 3475

At the request of Mr. JOHANNS, his name was added as a cosponsor of amendment No. 3475 intended to be proposed to S. 2363, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

AMENDMENT NO. 3478

At the request of Mr. JOHANNS, his name was added as a cosponsor of amendment No. 3478 intended to be proposed to S. 2363, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

At the request of Mr. PAUL, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of amendment No. 3478 intended to be proposed to S. 2363, supra.

AMENDMENT NO. 3480

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 3480 intended to be proposed to S. 2363, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

AMENDMENT NO. 3501

At the request of Mr. BLUMENTHAL, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 3501 intended to be proposed to S. 2363, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

AMENDMENT NO. 3502

At the request of Mr. MORAN, the names of the Senator from South Dakota (Mr. THUNE), the Senator from Texas (Mr. CORNYN) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of amendment No. 3502 intended to be proposed to S. 2363, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

AMENDMENT NO. 3503

At the request of Mr. JOHANNS, his name was added as a cosponsor of amendment No. 3503 intended to be proposed to S. 2363, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

AMENDMENT NO. 3521

At the request of Mr. ENZI, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of amendment No. 3521 intended to be proposed to S. 2363, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. NELSON (for himself, Mr. BLUMENTHAL, Mrs. BOXER, Mr. BROWN, Mr. DURBIN, Mr. HARKIN, Mr. MARKEY, Mr. MERKLEY, Mr. PRYOR, Mr. SCHUMER, and Mr. BENNET):

S. 2581. A bill to require the Consumer Product Safety Commission to promulgate a rule to require child safety packaging for liquid nicotine containers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. NELSON. Mr. President, we all recognize the danger that many hazardous chemicals and over-the-counter drugs pose to children. That's why we require child-resistant packaging for these substances to prevent accidental poisonings that could result in serious injury or death.

Unfortunately, there is no child-resistant packaging required for concentrated liquid nicotine, which can be toxic if ingested or even absorbed through skin in large amounts. According to the American Academy of Pediatrics, AAP, some small 15 mL bottles of liquid nicotine contain as much as 540 mg of nicotine. At the estimated lethal dose range of nicotine, AAP notes that this small bottle contains enough nicotine to kill 4 small children. And even a very small amount of the liquid splashed on a child's skin can make the child very ill.

The American Association of Poison Control Centers, AAPCC, reports that local poison control centers had already received 1,571 calls between January 1 and May 31 of this year related to liquid nicotine exposure. According to some experts who study nicotine exposure, it's only a matter of time before an accidental nicotine ingestion results in death.

Today I am introducing the Child Nicotine Poisoning Prevention Act with Senators PRYOR, BENNET, BLUMENTHAL, BOXER, BROWN, DURBIN, HARKIN, MARKEY, MERKLEY, and SCHUMER to prevent these unnecessary tragedies. This common-sense legislation gives the U.S. Consumer Product Safety Commission, CPSC, authority and direction to issue rules requiring safer, child-resistant packaging for liquid nicotine products within 1 year of passage.

The CPSC already requires child-resistant packaging for many household products, including over-the-counter medicines and cleaning agents. These rules have prevented countless injuries and deaths to children. There is no reason that bottles of liquid nicotine should not also be required to have child-resistant packaging as well.

I invite my colleagues to join us to support the Child Nicotine Poisoning Prevention Act. Working together, we can take simple steps to prevent accidental child nicotine poisonings.

Mr. President, I ask unanimous consent that text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2581

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Child Nicotine Poisoning Prevention Act of 2014''.

SEC. 2. CHILD SAFETY PACKAGING FOR LIQUID NICOTINE CONTAINERS.

(a) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Consumer Product Safety Commission.

(2) LIQUID NICOTINE CONTAINER.—The term ''liquid nicotine container'' means a consumer product, as defined in section 3(a)(5) of the Consumer Product Safety Act (15 U.S.C. 2052(a)(5)) notwithstanding subparagraph(B) of such section, that consists of a container that—

(A) has an opening that is accessible through normal and reasonably foreseeable use by a consumer; and

(B) is used to hold liquid containing nicotine in any concentration.

(3) NICOTINE.—The term ''nicotine'' means any form of the chemical nicotine, including any salt or complex, regardless of whether the chemical is naturally or synthetically derived.

(4) SPECIAL PACKAGING.—The term ''special packaging'' has the meaning given such term in section 2 of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471).

(b) REQUIRED USE OF SPECIAL PACKAGING FOR LIQUID NICOTINE CONTAINERS.—

(1) RULEMAKING.—

(A) IN GENERAL.—Notwithstanding section 3(a)(5)(B) of the Consumer Product Safety Act (15 U.S.C. 2052(a)(5)(B)) or section 2(f)(2) of the Federal Hazardous Substances Act (15 U.S.C. 1261(f)(2)), not later than 1 year after the date of the enactment of this Act, the Commission shall promulgate a rule requiring special packaging for liquid nicotine containers.

(B) AMENDMENTS.—The Commission may promulgate such amendments to the rule promulgated under subparagraph (A) as the Commission considers appropriate.

(2) EXPEDITED PROCESS.—The Commission shall promulgate the rules under paragraph (1) in accordance with section 553 of title 5, United States Code.

(3) INAPPLICABILITY OF CERTAIN RULEMAKING REQUIREMENTS.—The following provisions shall not apply to a rulemaking under paragraph (1):

(A) Sections 7 and 9 of the Consumer Product Safety Act (15 U.S.C. 2056 and 2058).

(B) Section 3 of the Federal Hazardous Substances Act (15 U.S.C. 1262).

(C) Subsections (b) and (c) of section 3 of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1472).

(4) SAVINGS CLAUSE.—Nothing in this section shall be construed to limit or diminish the authority of the Food and Drug Administration to regulate the manufacture, marketing, sale, or distribution of liquid nicotine, liquid nicotine containers, electronic cigarettes, or similar products that contain or dispense liquid nicotine.

By Mr. KAINE (for himself, Mr. PORTMAN, and Mr. WARNER):

S. 2584. A bill to amend the Carl D. Perkins Career and Technical Education Act of 2006 to raise the quality of career and technical education programs and to allow local eligible recipients to use funding to establish high-quality career academics; to the Committee on Health, Education, Labor, and Pensions.

Mr. KAINE. Mr. President, I rise today to introduce the Educating Tomorrow's Workforce Act of 2014. This is a bipartisan bill with Senator PORTMAN, who will follow me on the floor today. Senator PORTMAN and I are working together as cochairs of the Senate Career and Technical Education Caucus.

Let me first explain why career and technical education is important to me.

I grew up in a household in Kansas City where my dad ran a union-organized ironworking shop. He was the owner. Ironworkers and welders—in a good year, eight employees; in a bad year, five employees. My mother and my brothers and I worked in my dad's shop, and I came to appreciate working in that ironworking shop, the tremendous craftsmanship and skill that went into being an ironworker. That lesson has stuck with me for the rest of my life, and I really credit my dad with my work ethic. In a manufacturing welding shop, you get up and you go to work early because you want to get the work done before it gets too hot in the middle of the day.

I then had the experience in 1980 to take a year off from Harvard Law School and go to Honduras, where I was the principal of the Instituto Tecnico Loyola, which was a school that taught kids to be welders and carpenters. I was able to use the trades I had learned in my dad's shop, and what I saw in Honduras was the same thing: that the acquisition of skills—whether it be welding or carpentry or other skills—is a great path to life's success.

But one thing I noticed about the education system in my country—even

as I was working in my dad's shop, even as I was a principal of the school in Honduras—was in the United States we sort of downgrade career and technical education. When I was a kid, it was called vocational education. Often, in high schools especially, students who were thought to be kind of problems or not college material would kind of get trapped into vocational education curricula, and that would usually not be a good sign.

In fact, a friend of mine, who is a middle school teacher in southwest Virginia, told me that she would often see her students after they had gone to the high school and ask, ''Hey, tell me what you are up to.'' And when a student said ''I am in the vocational education program,'' the student would almost slump their shoulders, like ''I know you are going to be disappointed to hear this: I am in the vocational education program.''

Career and technical education is a very important pathway for life's success, and there should be no stigma surrounding career and technical education programs. But whether it is in our K–12 schools or in the higher ed world or in the mindset of parents or guidance counselors or even in the military—in the military today, our military members can get tuition assistance benefits, but they can only be used for college courses. You can get up to $4,500 a year in the military as a tuition assistance benefit, but you cannot use even $500 of it to take the certification exam from the American Welding Society to get your welding certificate. We still have a stigma against career and technical education, and we should not.

CTE integrates numerous aspects of liberal arts degrees for practical and applied purposes. CTE prepares students with industry-recognized credentials, professional certificates, occasionally college credits, and, most importantly, training for careers as varied as nursing, physician assistant, business administration, manufacturing, oil and natural gas exploration, automotive maintenance, agriculture, welding, software programming, culinary arts, and many other careers.

CTE happens in interesting places. CTE happens in K–12 school systems. It happens on community college campuses. It happens in 4-year colleges. It happens in stand-alone institutions such as the Newport News Shipbuilding apprenticeship program, where people learn to manufacturer the largest items on planet Earth: nuclear aircraft carriers and submarines in Newport News, VA. It happens online. It happens anywhere where there is somebody who wants to attain a skill and there is a qualified teacher or program that can convey and educate a student in that skill so they can get a good job.

CTE programs are proven solutions for creating jobs, for retraining workers, older workers who need to find new skills so they can be successful and fill open jobs in the market, and ensure that students of all ages and walks of life are ready for a successful career.

When I was Governor, I worked on a number of educational issues, but one I was very proud of was starting Governor's Career and Technical Academies. We had 17 in Virginia—Governor's schools—that were college prep, academic, regional, magnet public high schools. It started in the 1970s. But when I was running for Governor, I realized, wow, we do not have a single school in the State that is a career and technical education program that we have deemed fit to hang the Governor's label: This is a Governor's career and technical academy. I said this has to be just as important as college prep. So when I was Governor, we started Governor's Career and Technical Academies. By the end of my one term—and that is all you get in Virginia—we had nine. The Republican Governor who followed me liked the idea. By the end of his term, we had 22. The Democratic Governor who has followed him is continuing to expand it, and we now have academies around the Commonwealth, developed at partnerships among schools, employers, business organizations, and postsecondary institutions looking for these skills.

Last week, during our break week, I traveled in Virginia, and I heard the same message from employers and educators: Education has to be job relevant. It has to start at earlier grades. Completion rates need to be maximized. We need to make sure all of our students have the skills they will need to be able to build successful careers throughout their lives.

One entrepreneur even said to me: I am so glad I ended up going to the Valley Career and Technical Education Program in the Shenandoah Valley and went into CTE because it has enabled me to be my own boss.

I said: What do you mean by that?

He said: If I had gone to college, I would have gotten a good job offer from a good company and would have taken it, and I probably would still be there. I would have been having a good career, but somebody else would have been by boss. But by going to a career and technical program and learning a skill, it also encouraged me to be entrepreneurial. So I did not join somebody else's company; I started my own company. CTE promotes entrepreneurial activity.

It is essential for the United States to invest in creating a world-class system of education across the spectrum to ensure the technically skilled and well-trained workforce we need. That is why we are introducing this bill—Senator PORTMAN and I—the Educating Tomorrow's Workforce Act.

Here is what the legislation does.

It takes the existing Carl D. Perkins career and technical education program, which is the major source for Federal funding for programs that connect education to real-world careers, and it amends it by doing a couple of things.

First, it ensures that students have access to high-quality CTE programs in their schools so they can prepare to be college and career ready. Second, it defines what a rigorous program of study for CTE students is that links secondary and postsecondary education, to culminate in a degree or a credit or a credential or a license or an apprenticeship or a postsecondary certificate.

It emphasizes the opportunities for secondary students to earn college or postsecondary credits while they are in high school. I was able to graduate from college in 3 years because of credits I earned in high school. That was at a time when it was critically important financially for my family that I was able to get through college in 3 years.

This dual enrollment piece of our bill is a piece that Senator PORTMAN worked very hard to make sure was included. The legislation allows the Perkins funding to be used by States that want to establish CTE academies as we did in Virginia and ensures that the academies are of a high quality.

Finally, the bill promotes the kinds of partnerships we need between businesses, industries, postsecondary and other community stakeholders. Partnerships are important to connect people to the workforce. The Southern Regional Education Board cites that students with highly integrated CTE programs, where the CTE programs and the academic programs are integrated together, that those schools have significantly higher achievement rates in reading, mathematics, and sciences than students at schools that do not have integrated programs.

In closing, and then I defer to my colleague from Ohio, I noticed something when I was mayor of Richmond and Governor that was a change in the kind of economic development world. As mayor, I was often trying to get a business to come to Richmond. I was competing against Savannah or against the county next door. What I found was in these competitions, the closing factor was always the incentive package: Mr. Mayor, how much money can you put on the table? What kind of tax incentives can you put on the table?

Oh, you either beat the other guy or you don't. But by the time I—5, 6, 7 years later I was Governor, the last issue now was not the incentive package anymore. The deciding issue for companies that were choosing whether to come to Virginia or South Carolina or Singapore was not the tax incentives, it was the workforce.

Tell me, Governor, that we will have the kind of people we need when we open the door tomorrow. Give me confidence that we will have the kind of people we need 20 years from now. Long after the ribbon has been cut and the photos have been taken, are we still going to have the kinds of people we need to do to the kind of work that has to be done?

In today's world, talent is the most precious asset—more than oil, more

than water, more than rare Earth minerals. It is talent and human capital that is precious. Recently we did something good in this body, Democrats and Republicans together. We passed the Workforce Innovation and Opportunity Act. It was passed in the House yesterday.

This looks at the Nation's workforce programs and makes them stronger. Now we have to make the policy changes that go into our education programs and match what we did in the WIOA reauthorization to prepare our students for a 21st century workforce. I very much hope the Senate moves forward on the Carl D. Perkins Act this year. I look forward to promoting this bill as part of that reauthorization. I am honored to have Senator PORTMAN, my cochair on the CTE caucus, as the cosponsor of this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2584

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Educating Tomorrow's Workforce Act of 2014.''.

SEC. 2. DEFINITIONS.

Section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302) is amended—

(1) by redesignating paragraphs (6) through (9), (10) through (23), and (24) through (34), as paragraphs (7) through (10), (12) through (25), and (27) through (37), respectively;

(2) by inserting after paragraph (5) the following:

''(6) CAREER AND TECHNICAL EDUCATION PROGRAM OF STUDY.—The term 'career and technical education program of study' means a coordinated, non-duplicative sequence of secondary and postsecondary academic and technical courses that—

''(A) incorporate rigorous, State-identified college and career readiness standards, including state-identified career and technical education standards that address both academic and technical contents;

''(B) support attainment of employability and career readiness skills;

''(C) progress in content specificity (by beginning with all aspects of an industry or career cluster and leading to more occupationally specific instruction or by preparing students for ongoing postsecondary career preparation);

''(D) incorporate multiple entry and exit points with portable demonstrations of technical or career competency, which may include credit-transfer agreements or industry-recognized certifications; and

''(E) culminate in the attainment of—

''(i) an industry-recognized certification, credential, or license;

''(ii) a registered apprenticeship or credit-bearing postsecondary certificate; or

''(iii) an associate or baccalaureate degree.'';

(3) by inserting after paragraph (10), as redesignated by paragraph (1), the following:

''(11) CREDIT-TRANSFER AGREEMENT.—The term 'credit-transfer agreement' means an opportunity for secondary students to be awarded transcripted postsecondary credit, supported with a formal agreement between secondary and postsecondary education systems, for—

''(A) technical credit such as dual enrollment, dual credit, or articulated credit, which may include credit by examination or credit by performance on technical assessments; or

''(B) academic credit such as dual enrollment, dual credit, or articulated credit, which may include credit by examination or credit by performance on academic assessments.''; and

(4) by inserting after paragraph (25), as redesignated by paragraph (1), the following:

''(26) REGISTERED APPRENTICESHIP PROGRAM.—The term 'registered apprenticeship program' means an apprenticeship program—

''(A) registered under the Act of August 16, 1937 (commonly known as the ''National Apprenticeship Act''; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.); and

''(B) that meets such other criteria as may be established by the Secretary under this section.''.

SEC. 3. STATE PLAN.

Section 122(c)(1) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2342(c)(1)) is amended—

(1) by striking subparagraph (A);

(2) by redesignating subparagraphs (B) through (L) as subparagraphs (A) through (K), respectively; and

(3) in subparagraph (A), as redesignated by (2), by striking ''the career and technical programs of study described in subparagraph (A)'' and inserting ''career and technical education programs of study, including a description of how the eligible agency will ensure the quality of any program of study culminating in an industry-recognized certificate, credential, or license''.

SEC. 4. STATE LEADERSHIP ACTIVITIES.

Section 124 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2344) is amended—

(1) in subsection (b)(6), by striking ''programs of study, as described in section 122(c)(1)(A)'' and inserting ''education programs of study''; and

(2) in subsection (c)—

(A) in paragraph (9), by striking '',career academies,'';

(B) in paragraph (16)(B), by striking ''and'' after the semicolon;

(C) in paragraph (17), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(18) support for career academies, which—

''(A) implement a college and career ready curriculum at the secondary education level that integrates rigorous academic, technical, and employability contents through career and technical education programs of study and high-quality elements, including those described in section 134(b)(7);

''(B) include experiential or work-based learning for secondary school students, in collaboration with local and regional employers;

''(C) include opportunities for secondary school students to earn postsecondary credit while in secondary school, such as through credit transfer agreements including dual enrollment; and

''(D) establish and maintain ongoing partnerships—

''(i) between the local educational agency, business and industry, and institutions of higher education, or postsecondary vocational institutions (as defined in section 102(c) of the Higher Education Act of 1965 (20 U.S.C. 1002(c))); and

''(ii) which may also include local government, such as workforce and economic development entities.''.

SEC. 5. LOCAL PLAN FOR CAREER AND TECHNICAL EDUCATION PROGRAMS.

Section 134(b) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2354(b)) is amended—

(1) in paragraph (3)(A), by striking ''programs of study described in section 122(c)(1)(A)'' and inserting ''education programs of study''; and

(2) by striking paragraph (7) and inserting the following:

''(7) describe how the eligible recipient will conduct an assessment of local needs related to career and technical education as part of the local plan development process and how such needs assessment will be updated annually in subsequent years of the local plan, including how the needs assessment includes an evaluation of progress toward specific elements leading to high-quality implementation of career and technical education programs of study, including—

''(A) sustained, intensive, and focused professional development for teachers, principals, administrators, and school counselors on both content and pedagogy that—

''(i) supports high-quality academic and career and technical education instruction; and

''(ii) ensures local, regional, and State labor market information as applicable is utilized to make informed decisions about program offerings and to advise students of career opportunities and benefits;

''(B) a curriculum aligned with the requirements for a career and technical education program of study;

''(C) teaching and learning strategies focused on the integration of academic and career and technical education content, including supports necessary to implement such strategies;

''(D) ongoing relationships between education, business and industry, and other community stakeholders;

''(E) opportunities for secondary students to earn postsecondary credit while in secondary school, such as through credit transfer agreements including dual enrollment;

''(F) career and technical student organizations, or other activities that promote the development of leadership and employability skills;

''(G) appropriate equipment and technology aligned with business and industry needs;

''(H) a continuum of work-based learning opportunities, such as job shadowing, mentorships, internships, apprenticeships, clinical experiences, service learning experiences, and cooperative education;

''(I) valid and reliable technical skills assessments to measure student achievement, which may include industry-recognized certifications or may lead to other credentials;

''(J) support services to ensure equitable participation for all students; and

''(K) recruitment and retention efforts to ensure highly effective educators, principals, and administrators.''.

SEC. 6. LOCAL USES OF FUNDS.

Section 135 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2355) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''programs of study described in section 122(c)(1)(A)''; and inserting ''education programs of study''; and

(B) in paragraph (2), by striking ''career and technical program of study described in section 122(c)(1)(A)'' and inserting ''career and technical education program of study''; and

(2) in subsection (c)—

(A) in paragraph (19)—

(i) in subparagraph (C), by striking ''programs of study described in section

122(c)(1)(A)'' and inserting ''education programs of study''; and

(ii) in subparagraph (D), by striking ''and'' after the semicolon;

(B) in paragraph (20), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(21) to provide support for career academies, as described in section 124(c)(18).''.

SEC. 7. CONFORMING AMENDMENTS.

Section 113 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2323) is amended—

(1) in subsection (b)(4)(C)(ii)(I), by striking ''section 3(29)'' and inserting ''section 3(32)''; and

(2) in subsection (c)(2)(A), by striking ''section 3(29)'' and inserting ''section 3(32)''.

Mr. PORTMAN. Mr. President, I thank my colleague from Virginia and appreciate his comments. He has a passion for this issue. It fits very well with what so many of us are trying to do in the Congress, which is to put in place policies that actually create more opportunities for our young people.

We are living through the weakest economic recovery we have had in this country since the Great Depression. I know we have seen some improvement recently in the job numbers, but in fact unemployment remains way too high. If we take into account folks who have dropped out of the workforce altogether as compared to 4 or 5 years ago, we have unemployment rates at over 10 percent.

Among young people coming out of school it is far higher. It is double digits, about 12 or 13 percent for 18 to 25 year olds, we are told. Again, the real numbers are worse than that when we take out the folks who have dropped out of the workforce altogether.

Our GDP growth, the growth of our economy, is too low. So there are a number of things we ought to do, in my view. One is, we have to deal with ensuring that we have a workforce that is trained for these 21st century jobs that are out there. We also need to reform our Tax Code. We need to put regulatory relief in place that is sensible. We need to do much more to take advantage of the energy resources we have in this country. We need to get back in the business of exporting and trade.

There are some things relatively quickly we could do to get the country back on track, but none is more important than having that workforce. Because we can have a great environment—which unfortunately we do not have now for many businesses because we have not created the climate for economic growth with good policy in Washington.

But if we had that—if we do not have the workers in this increasingly competitive global economy we are in, jobs will be created somewhere else. That is happening right now. It is happening partly because we do not have the skilled workers to be able to attract those jobs here, those businesses here, and to fill the jobs here in America.

Four and one-half million jobs are open right now, they say. That might surprise some people listening because they are thinking: Wow. I cannot get a job or my son or daughter cannot get a job or my neighbor cannot get a job. As I said, unemployment is high. Yet there are 4½ million jobs open. When we look at those jobs and what is available out there—and Senator KAINE talked some about this, a lot of them require skills that young people and workers who are shifting careers, maybe they have lost a job, are in their forties or fifties, skills they do not have.

So it is IT, it is high-tech jobs, it is health care jobs, it is bioscience jobs. Yes, it is manufacturing jobs. My own State of Ohio is a big manufacturing State. We are particularly sensitive to this. There are lots of manufacturers in Ohio who are saying: If we had the workers, we could add new jobs, new opportunities, grow this economy. The spinoff from that, all of the other jobs that are created through a successful manufacturing company that makes something is the backbone of our higher economy, international economy.

This is exciting for me to work with Senator KAINE and others who say: Let's take a piece of this, which is career and technical education, to encourage young people to get these skills, to be able to access these great jobs. Some of them, by the way, will do it right out of high school.

I was in Ohio on Monday. We had a roundtable on this. We had a bunch of employers there. We had some educators there. We had some students there. One was a senior in high school who is currently in career and technical school. For those who do not follow this closely, you probably are more familiar with the word ''vocational'' school, because that is typically what it has been called over the years. That is the same thing as the career and technical schools.

Again, Senator KAINE and I have cofounded this Career and Technical Education Caucus in the Senate over the last couple of months. We have a number of our colleagues now joining and so on. We are trying to raise this, let people know about this great opportunity out there.

This young man is a senior. He is going back to his high school and saying: You Guys are crazy not to do this CTE stuff because I am getting great skills, where I can get a great job, and I am getting college credit because they have one of those dual credit programs in this particular CTE program.

Then there were two students there who graduated earlier this year. They both have been in the CTE program. They both have been taking advantage of it to get the skills but also working part time as apprentices or interns—19 years old, two young men. Both of them are now out in the workforce, working for these manufacturers. One of their bosses was there, one of the executives from one of the small manufacturing companies.

These young men at 19 years old are making $50,000 a year. They have benefits on top of that. They have the opportunity now to run very sophisticated machines. Both of them started off learning as apprentices. Now they are both running machines. These machines are worth over $1 million apiece. These are in CNC machines. In one case it is a plastic injecting molding machine. It is very exciting. By the way, they now have been encouraged to go back to their high school and say: Hey, 4-year college or university, that is great if you want to do that, but here is another opportunity.

By the way, they may go back to school. They both have some credit where they could go back and maybe get an associate's degree or a 4-year degree or maybe a graduate engineering degree someday, but in the meantime they are providing the opportunities for these companies in Ohio to have skilled workers so they can compete globally. For them and their families, they are providing a tremendous opportunity, rather than graduating with a bunch of debt. The average debt is $20,000, $30,000 a year now. Instead of having debt, they are making money.

For the next 4 years, even if they are not promoted 0—0 which I think they will be, having met these two young men—that is $200,000 they are going to be making and spending and investing in our economy.

I am very excited about this opportunity to hold this up to say there is a way for us to help get this economy moving by helping to fill this skills gap. In Ohio alone, if you go on ohiomeansjobs.com right now, go on their Web site, you will see about 140,000 jobs open. Yet we have about 400,000 people out of work. If you look at these jobs, again, you will see a lot of them require skills that simply are not out there in the workforce now.

Help provide these skills and we are going to see some of these jobs get filled. That helps our economy, keeps businesses here, and expands businesses here. We did, as Senator KAINE said, just pass the Workforce Innovation and Opportunity Act, so-called WIOA. I was very pleased about that. The House just passed it this week. The Senate passed it 2 weeks ago.

In that there is something called the CAREER Act that Senator BENNET and I have been promoting the last few years. We were able to include a number of our provisions in there to add more accountability, to add more performance measures to improve that legislation. I am happy that was done. That helps on retraining. That is critically important. We spend about $15 billion a year on that at the Federal Government level.

What we are talking about is starting with the career and technical education even before we get into the WIOA programs and the retraining money that is necessary when somebody loses a job and needs to move to another job. We are talking about young people coming up and having this opportunity. According to the U.S.

Bureau of Labor Statistics, Ohio is gaining jobs in manufacturing. That is great news. But we also hear, in the latest skills gap report by the Manufacturing Institute, 74 percent of manufacturers are experiencing workforce shortages or skill deficiencies that keep them from expanding their plant and operations and improving productivity—74 percent.

We could be doing much more to close that skills gap. The legislation that Senator KAINE and I talked about that we are introducing today is a very important step toward that. It is going to help open opportunities for the next generation of workers by ensuring that they have these skills to participate in the 21st century economy.

We were talking a moment ago, some of us, about high school graduation rates. Unfortunately, we have unacceptably high numbers of people who do not graduate from high schools in this country. So there was a lot of discussion about postsecondary and so on. But we have a real problem: Our high school graduation rate is way too low. According to the U.S. Department of Education, 81 percent of high school dropouts say real-world learning opportunities would have kept them in school. That is interesting. The average high school graduation rate is now about 80 percent—way too low. In fact, it is closer to 50 percent in some of our great cities and in some of our poorer rural areas. But even 80 percent is the average—way too low for high school graduation.

But what they say is they would have been more likely to stay in school if they had real-world learning opportunities. That is why the graduation rates for kids involved in CTE—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PORTMAN. I would ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PORTMAN. For kids in CTE concentrations, it is a 90-percent graduation rate. That is because they are getting that real-world experience. So I think a good place to start, again, is with this legislation we are introducing today. This is legislation that begins with reforms to the Carl D. Perkins Career and Technical Education Act. It needs to be reauthorized. The reauthorization ought to include these reforms that Senator KAINE and I have talked about.

This is the major source of Federal support for the development of CTE skills. It was last reauthorized in 2006. So it has to be modernized to meet the demands of this workforce today to ensure that students have access to these programs.

It does a few different things. Senator KAINE has talked about it. It requires a more rigorous CTE curriculum, requiring Perkins grant participants to incorporate key elements into the programs; that is, things such as academic and technical skill assessments to measure student achievement, making sure they are actually accomplishing what they are supposed to be based on industry standards, making sure the CTE curriculum is in alignment with whatever the local and regional needs are in the workforce, what the demands are. Employers are looking for kids who have specific skills. We have to be sure we are providing them.

It also increases flexibility for States and localities, allowing them to use these Perkins grant funds to establish academies such as the one Governor Kaine started when he was in Virginia.

It also improves the link between high school and postsecondary education to ease the attainment of industry-recognized credentials, licensing, apprenticeship, postsecondary certificates. We do a lot of that in Ohio, the dual credit programs I talked about earlier.

It promotes partnerships between local businesses, regional industries, and other community stakeholders to create pathways for students through more internships, service opportunities, and so on.

I believe this legislation is urgently needed, and we have to move forward with it. If we do, we are going to be able to provide more opportunity for our young people and more jobs in this country because we will be filling that skills gap and we will be able to have more young people who will able to have this experience, such as these two young men I met earlier this week, where they are able to go out on their own, get a good job, good benefits, help themselves and their family, and help create a stronger economy for all of us.

I thank my colleague from Virginia for his hard work on this legislation, and I look forward to working with him toward its passage.

By Mr. DURBIN (for himself, Mr. HARKIN, Mr. WHITEHOUSE, Mr. BROWN, and Mr. FRANKEN):

S. 2589. A bill to amend title 11, United States Code, to improve protections for employees and retirees in business bankruptcies; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2589

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Protecting Employees and Retirees in Business Bankruptcies Act of 2014''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Business bankruptcies have increased sharply in recent years and remain at high levels. These bankruptcies include several of the largest business bankruptcy filings in history. As the use of bankruptcy has expanded, job preservation and retirement security are placed at greater risk.

(2) Laws enacted to improve recoveries for employees and retirees and limit their losses in bankruptcy cases have not kept pace with the increasing and broader use of bankruptcy by businesses in all sectors of the economy. However, while protections for employees and retirees in bankruptcy cases have eroded, management compensation plans devised for those in charge of troubled businesses have become more prevalent and are escaping adequate scrutiny.

(3) Changes in the law regarding these matters are urgently needed as bankruptcy is used to address increasingly more complex and diverse conditions affecting troubled businesses and industries.

TITLE I—IMPROVING RECOVERIES FOR EMPLOYEES AND RETIREES

SEC. 101. INCREASED WAGE PRIORITY.

Section 507(a) of title 11, United States Code, is amended—

(1) in paragraph (4)—

(A) by striking ''$10,000'' and inserting ''$20,000'';

(B) by striking ''within 180 days''; and

(C) by striking ''or the date of the cessation of the debtor's business, whichever occurs first,'';

(2) in paragraph (5)(A), by striking—

(A) ''within 180 days''; and

(B) ''or the date of the cessation of the debtor's business, whichever occurs first''; and

(3) in paragraph (5), by striking subparagraph (B) and inserting the following:

''(B) for each such plan, to the extent of the number of employees covered by each such plan, multiplied by $20,000.''.

SEC. 102. CLAIM FOR STOCK VALUE LOSSES IN DEFINED CONTRIBUTION PLANS.

Section 101(5) of title 11, United States Code, is amended—

(1) in subparagraph (A), by striking ''or'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(C) right or interest in equity securities of the debtor, or an affiliate of the debtor, held in a defined contribution plan (within the meaning of section 3(34) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(34))) for the benefit of an individual who is not an insider, a senior executive officer, or any of the 20 next most highly compensated employees of the debtor (if 1 or more are not insiders), if such securities were attributable to either employer contributions by the debtor or an affiliate of the debtor, or elective deferrals (within the meaning of section 402(g) of the Internal Revenue Code of 1986), and any earnings thereon, if an employer or plan sponsor who has commenced a case under this title has committed fraud with respect to such plan or has otherwise breached a duty to the participant that has proximately caused the loss of value.''.

SEC. 103. PRIORITY FOR SEVERANCE PAY.

Section 503(b) of title 11, United States Code, is amended—

(1) in paragraph (8), by striking ''and'' at the end;

(2) in paragraph (9), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(10) severance pay owed to employees of the debtor (other than to an insider, other senior management, or a consultant retained to provide services to the debtor), under a plan, program, or policy generally applicable to employees of the debtor (but not under an individual contract of employment), or owed pursuant to a collective bargaining agreement, for layoff or termination on or after the date of the filing of the petition, which pay shall be deemed earned in full upon such layoff or termination of employment; and''.

SEC. 104. FINANCIAL RETURNS FOR EMPLOYEES AND RETIREES.

Section 1129(a) of title 11, United States Code is amended—

(1) by adding at the end the following:

''(17) The plan provides for recovery of damages payable for the rejection of a collective bargaining agreement, or for other financial returns as negotiated by the debtor and the authorized representative under section 1113 (to the extent that such returns are paid under, rather than outside of, a plan).''; and

(2) by striking paragraph (13) and inserting the following:

''(13) With respect to retiree benefits, as that term is defined in section 1114(a), the plan—

''(A) provides for the continuation after its effective date of payment of all retiree benefits at the level established pursuant to subsection (e)(1)(B) or (g) of section 1114 at any time before the date of confirmation of the plan, for the duration of the period for which the debtor has obligated itself to provide such benefits, or if no modifications are made before confirmation of the plan, the continuation of all such retiree benefits maintained or established in whole or in part by the debtor before the date of the filing of the petition; and

''(B) provides for recovery of claims arising from the modification of retiree benefits or for other financial returns, as negotiated by the debtor and the authorized representative (to the extent that such returns are paid under, rather than outside of, a plan).''.

SEC. 105. PRIORITY FOR WARN ACT DAMAGES.

Section 503(b)(1)(A)(ii) of title 11, United States Code is amended to read as follows:

''(ii) wages and benefits awarded pursuant to a judicial proceeding or a proceeding of the National Labor Relations Board as back pay or damages attributable to any period of time occurring after the date of commencement of the case under this title, as a result of a violation of Federal or State law by the debtor, without regard to the time of the occurrence of unlawful conduct on which the award is based or to whether any services were rendered on or after the commencement of the case, including an award by a court under section 2901 of title 29, United States Code, of up to 60 days' pay and benefits following a layoff that occurred or commenced at a time when such award period includes a period on or after the commencement of the case, if the court determines that payment of wages and benefits by reason of the operation of this clause will not substantially increase the probability of layoff or termination of current employees or of nonpayment of domestic support obligations during the case under this title;''.

TITLE II—REDUCING EMPLOYEES' AND RETIREES' LOSSES

SEC. 201. REJECTION OF COLLECTIVE BARGAINING AGREEMENTS.

Section 1113 of title 11, United States Code, is amended by striking subsections (a) through (f) and inserting the following:

''(a) The debtor in possession, or the trustee if one has been appointed under this chapter, other than a trustee in a case covered by subchapter IV of this chapter and by title I of the Railway Labor Act, may reject a collective bargaining agreement only in accordance with this section. In this section, a reference to the trustee includes the debtor in possession.

''(b) No provision of this title shall be construed to permit the trustee to unilaterally terminate or alter any provision of a collective bargaining agreement before complying with this section. The trustee shall timely pay all monetary obligations arising under the terms of the collective bargaining agreement. Any such payment required to be made before a plan confirmed under section 1129 is effective has the status of an allowed administrative expense under section 503.

''(c)(1) If the trustee seeks modification of a collective bargaining agreement, the trustee shall provide notice to the labor organization representing the employees covered by the agreement that modifications are being proposed under this section, and shall promptly provide an initial proposal for modifications to the agreement. Thereafter, the trustee shall confer in good faith with the labor organization, at reasonable times and for a reasonable period in light of the complexity of the case, in attempting to reach mutually acceptable modifications of such agreement.

''(2) The initial proposal and subsequent proposals by the trustee for modification of a collective bargaining agreement shall be based upon a business plan for the reorganization of the debtor, and shall reflect the most complete and reliable information available. The trustee shall provide to the labor organization all information that is relevant for negotiations. The court may enter a protective order to prevent the disclosure of information if disclosure could compromise the debtor's position with respect to its competitors in the industry, subject to the needs of the labor organization to evaluate the trustee's proposals and any application for rejection of the agreement or for interim relief pursuant to this section.

''(3) In consideration of Federal policy encouraging the practice and process of collective bargaining and in recognition of the bargained-for expectations of the employees covered by the agreement, modifications proposed by the trustee—

''(A) shall be proposed only as part of a program of workforce and nonworkforce cost savings devised for the reorganization of the debtor, including savings in management personnel costs;

''(B) shall be limited to modifications designed to achieve a specified aggregate financial contribution for the employees covered by the agreement (taking into consideration any labor cost savings negotiated within the 12-month period before the filing of the petition), and shall be not more than the minimum savings essential to permit the debtor to exit bankruptcy, such that confirmation of a plan of reorganization is not likely to be followed by the liquidation, or the need for further financial reorganization, of the debtor (or any successor to the debtor) in the short term; and

''(C) shall not be disproportionate or overly burden the employees covered by the agreement, either in the amount of the cost savings sought from such employees or the nature of the modifications.

''(d)(1) If, after a period of negotiations, the trustee and the labor organization have not reached an agreement over mutually satisfactory modifications, and further negotiations are not likely to produce mutually satisfactory modifications, the trustee may file a motion seeking rejection of the collective bargaining agreement after notice and a hearing. Absent agreement of the parties, no such hearing shall be held before the expiration of the 21-day period beginning on the date on which notice of the hearing is provided to the labor organization representing the employees covered by the agreement. Only the debtor and the labor organization may appear and be heard at such hearing. An application for rejection shall seek rejection effective upon the entry of an order granting the relief.

''(2) In consideration of Federal policy encouraging the practice and process of collective bargaining and in recognition of the bargained-for expectations of the employees covered by the agreement, the court may grant a motion seeking rejection of a collective bargaining agreement only if, based on clear and convincing evidence—

''(A) the court finds that the trustee has complied with the requirements of subsection (c);

''(B) the court has considered alternative proposals by the labor organization and has concluded that such proposals do not meet the requirements of paragraph (3)(B) of subsection (c);

''(C) the court finds that further negotiations regarding the trustee's proposal or an alternative proposal by the labor organization are not likely to produce an agreement;

''(D) the court finds that implementation of the trustee's proposal shall not—

''(i) cause a material diminution in the purchasing power of the employees covered by the agreement;

''(ii) adversely affect the ability of the debtor to retain an experienced and qualified workforce; or

''(iii) impair the debtor's labor relations such that the ability to achieve a feasible reorganization would be compromised; and

''(E) the court concludes that rejection of the agreement and immediate implementation of the trustee's proposal is essential to permit the debtor to exit bankruptcy, such that confirmation of a plan of reorganization is not likely to be followed by liquidation, or the need for further financial reorganization, of the debtor (or any successor to the debtor) in the short term.

''(3) If the trustee has implemented a program of incentive pay, bonuses, or other financial returns for insiders, senior executive officers, or the 20 next most highly compensated employees or consultants providing services to the debtor during the bankruptcy, or such a program was implemented

within 180 days before the date of the filing of the petition, the court shall presume that the trustee has failed to satisfy the requirements of subsection (c)(3)(C).

''(4) In no case shall the court enter an order rejecting a collective bargaining agreement that would result in modifications to a level lower than the level proposed by the trustee in the proposal found by the court to have complied with the requirements of this section.

''(5) At any time after the date on which an order rejecting a collective bargaining agreement is entered, or in the case of an agreement entered into between the trustee and the labor organization providing mutually satisfactory modifications, at any time after such agreement has been entered into, the labor organization may apply to the court for an order seeking an increase in the level of wages or benefits, or relief from working conditions, based upon changed circumstances. The court shall grant the request only if the increase or other relief is not inconsistent with the standard set forth in paragraph (2)(E).

''(e) During a period in which a collective bargaining agreement at issue under this section continues in effect, and if essential to the continuation of the debtor's business or in order to avoid irreparable damage to the estate, the court, after notice and a hearing, may authorize the trustee to implement interim changes in the terms, conditions, wages, benefits, or work rules provided by the collective bargaining agreement. Any hearing under this subsection shall be scheduled in accordance with the needs of the trustee. The implementation of such interim changes shall not render the application for rejection moot.

''(f)(1) Rejection of a collective bargaining agreement constitutes a breach of the agreement, and shall be effective no earlier than the entry of an order granting such relief.

''(2) Notwithstanding paragraph (1), solely for purposes of determining and allowing a claim arising from the rejection of a collective bargaining agreement, rejection shall be treated as rejection of an executory contract under section 365(g) and shall be allowed or disallowed in accordance with section 502(g)(1). No claim for rejection damages shall be limited by section 502(b)(7). Economic self-help by a labor organization shall be permitted upon a court order granting a motion to reject a collective bargaining agreement under subsection (d) or pursuant to subsection (e), and no provision of this title or of any other provision of Federal or State law may be construed to the contrary.

''(g) The trustee shall provide for the reasonable fees and costs incurred by a labor organization under this section, upon request and after notice and a hearing.

''(h) A collective bargaining agreement that is assumed shall be assumed in accordance with section 365.''.

SEC. 202. PAYMENT OF INSURANCE BENEFITS TO RETIRED EMPLOYEES.

Section 1114 of title 11, United States Code, is amended—

(1) in subsection (a), by inserting '', without regard to whether the debtor asserts a right to unilaterally modify such payments under such plan, fund, or program'' before the period at the end;

(2) in subsection (b)(2), by inserting after ''section'' the following: '', and a labor organization serving as the authorized representative under subsection (c)(1),'';

(3) by striking subsection (f) and inserting the following:

''(f)(1) If a trustee seeks modification of retiree benefits, the trustee shall provide a notice to the authorized representative that modifications are being proposed pursuant to this section, and shall promptly provide an initial proposal. Thereafter, the trustee shall confer in good faith with the authorized representative at reasonable times and for a reasonable period in light of the complexity of the case in attempting to reach mutually satisfactory modifications.

''(2) The initial proposal and subsequent proposals by the trustee shall be based upon a business plan for the reorganization of the debtor and shall reflect the most complete and reliable information available. The trustee shall provide to the authorized representative all information that is relevant for the negotiations. The court may enter a protective order to prevent the disclosure of information if disclosure could compromise the debtor's position with respect to its competitors in the industry, subject to the needs of the authorized representative to evaluate the trustee's proposals and an application pursuant to subsection (g) or (h).

''(3) Modifications proposed by the trustee—

''(A) shall be proposed only as part of a program of workforce and nonworkforce cost savings devised for the reorganization of the debtor, including savings in management personnel costs;

''(B) shall be limited to modifications that are designed to achieve a specified aggregate financial contribution for the retiree group represented by the authorized representative (taking into consideration any cost savings implemented within the 12-month period before the date of filing of the petition with respect to the retiree group), and shall be no more than the minimum savings essential to permit the debtor to exit bankruptcy, such that confirmation of a plan of reorganization is not likely to be followed by the liquidation, or the need for further financial reorganization, of the debtor (or any successor to the debtor) in the short term; and

''(C) shall not be disproportionate or overly burden the retiree group, either in the amount of the cost savings sought from such group or the nature of the modifications.'';

(4) in subsection (g)—

(A) by striking ''(g)'' and all that follows through the semicolon at the end of paragraph (3) and inserting the following:

''(g)(1) If, after a period of negotiations, the trustee and the authorized representative have not reached agreement over mutually satisfactory modifications and further negotiations are not likely to produce mutually satisfactory modifications, the trustee may file a motion seeking modifications in the payment of retiree benefits after notice and a hearing. Absent agreement of the parties, no such hearing shall be held before the expiration of the 21-day period beginning on the date on which notice of the hearing is provided to the authorized representative. Only the debtor and the authorized representative may appear and be heard at such hearing.

''(2) The court may grant a motion to modify the payment of retiree benefits only if, based on clear and convincing evidence—

''(A) the court finds that the trustee has complied with the requirements of subsection (f);

''(B) the court has considered alternative proposals by the authorized representative and has determined that such proposals do not meet the requirements of subsection (f)(3)(B);

''(C) the court finds that further negotiations regarding the trustee's proposal or an alternative proposal by the authorized representative are not likely to produce a mutually satisfactory agreement;

''(D) the court finds that implementation of the proposal shall not cause irreparable harm to the affected retirees; and

''(E) the court concludes that an order granting the motion and immediate implementation of the trustee's proposal is essential to permit the debtor to exit bankruptcy, such that confirmation of a plan of reorganization is not likely to be followed by liquidation, or the need for further financial reorganization, of the debtor (or a successor to the debtor) in the short term.

''(3) If a trustee has implemented a program of incentive pay, bonuses, or other financial returns for insiders, senior executive officers, or the 20 next most highly compensated employees or consultants providing services to the debtor during the bankruptcy, or such a program was implemented within 180 days before the date of the filing of the petition, the court shall presume that the trustee has failed to satisfy the requirements of subparagraph (f)(3)(C).''; and

(B) by striking ''except that in no case'' and inserting the following:

''(4) In no case''; and

(5) by striking subsection (k) and redesignating subsections (l) and (m) as subsections (k) and (l), respectively.

SEC. 203. PROTECTION OF EMPLOYEE BENEFITS IN A SALE OF ASSETS.

Section 363(b) of title 11, United States Code, is amended by adding at the end the following:

''(3) In approving a sale under this subsection, the court shall consider the extent to which a bidder has offered to maintain existing jobs, preserve terms and conditions of employment, and assume or match pension and retiree health benefit obligations in determining whether an offer constitutes the highest or best offer for such property.''.

SEC. 204. CLAIM FOR PENSION LOSSES.

Section 502 of title 11, United States Code, is amended by adding at the end the following:

''(l) The court shall allow a claim asserted by an active or retired participant, or by a labor organization representing such participants, in a defined benefit plan terminated under section 4041 or 4042 of the Employee Retirement Income Security Act of 1974, for any shortfall in pension benefits accrued as of the effective date of the termination of such pension plan as a result of the termination of the plan and limitations upon the payment of benefits imposed pursuant to section 4022 of such Act, notwithstanding any claim asserted and collected by the Pension Benefit Guaranty Corporation with respect to such termination.

''(m) The court shall allow a claim of a kind described in section 101(5)(C) by an active or retired participant in a defined contribution plan (within the meaning of section 3(34) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(34))), or by a labor organization representing such participants. The amount of such claim shall be measured by the market value of the stock at the time of contribution to, or purchase by, the plan and the value as of the commencement of the case.''.

SEC. 205. PAYMENTS BY SECURED LENDER.

Section 506(c) of title 11, United States Code, is amended by adding at the end the following: ''If employees have not received wages, accrued vacation, severance, or other benefits owed under the policies and practices of the debtor, or pursuant to the terms of a collective bargaining agreement, for services rendered on and after the date of the commencement of the case, such unpaid obligations shall be deemed necessary costs and expenses of preserving, or disposing of, property securing an allowed secured claim and shall be recovered even if the trustee has otherwise waived the provisions of this subsection under an agreement with the holder of the allowed secured claim or a successor or predecessor in interest.''.

SEC. 206. PRESERVATION OF JOBS AND BENEFITS.

Chapter 11 of title 11, United States Code, is amended—

(1) by inserting before section 1101 the following:

''§ 1100. Statement of purpose

''A debtor commencing a case under this chapter shall have as its principal purpose the reorganization of its business to preserve going concern value to the maximum extent possible through the productive use of its assets and the preservation of jobs that will sustain productive economic activity.'';

(2) in section 1129(a), as amended by section 104, by adding at the end the following:

''(18) The debtor has demonstrated that the reorganization preserves going concern value to the maximum extent possible through the productive use of the debtor's assets and preserves jobs that sustain productive economic activity.'';

(3) in section 1129(c)—

(A) by inserting ''(1)'' after ''(c)''; and

(B) by striking the last sentence and inserting the following:

''(2) If the requirements of subsections (a) and (b) are met with respect to more than 1 plan, the court shall, in determining which plan to confirm—

''(A) consider the extent to which each plan would preserve going concern value through the productive use of the debtor's assets and the preservation of jobs that sustain productive economic activity; and

''(B) confirm the plan that better serves such interests.

''(3) A plan that incorporates the terms of a settlement with a labor organization representing employees of the debtor shall presumptively constitute the plan that satisfies this subsection.''; and

(4) in the table of sections, by inserting before the item relating to section 1101 the following:

''1100. Statement of purpose.''.

SEC. 207. TERMINATION OF EXCLUSIVITY.

Section 1121(d) of title 11, United States Code, is amended by adding at the end the following:

''(3) For purposes of this subsection, cause for reducing the 120-day period or the 180-day period includes the following:

''(A) The filing of a motion pursuant to section 1113 seeking rejection of a collective bargaining agreement if a plan based upon an alternative proposal by the labor organization is reasonably likely to be confirmed within a reasonable time.

''(B) The proposed filing of a plan by a proponent other than the debtor, which incorporates the terms of a settlement with a labor organization if such plan is reasonably likely to be confirmed within a reasonable time.''.

SEC. 208. CLAIM FOR WITHDRAWAL LIABILITY.

Section 503(b) of title 11, United States Code, as amended by section 103 of this Act, is amended by adding at the end the following:

''(11) with respect to withdrawal liability owed to a multiemployer pension plan for a complete or partial withdrawal pursuant to section 4201 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1381) where such withdrawal occurs on or after the commencement of the case, an amount equal to the amount of vested benefits payable from such pension plan that accrued as a result of employees' services rendered to the debtor during the period beginning on the date of commencement of the case and ending on the date of the withdrawal from the plan.''.

TITLE III—RESTRICTING EXECUTIVE COMPENSATION PROGRAMS

SEC. 301. EXECUTIVE COMPENSATION UPON EXIT FROM BANKRUPTCY.

Section 1129(a) of title 11, United States Code, is amended—

(1) in paragraph (4), by adding at the end the following: ''Except for compensation subject to review under paragraph (5), payments or other distributions under the plan to or for the benefit of insiders, senior executive officers, and any of the 20 next most highly compensated employees or consultants providing services to the debtor, shall not be approved except as part of a program of payments or distributions generally applicable to employees of the debtor, and only to the extent that the court determines that such payments are not excessive or disproportionate compared to distributions to the debtor's nonmanagement workforce.''; and

(2) in paragraph (5)—

(A) in subparagraph (A)(ii), by striking ''and'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(C) the compensation disclosed pursuant to subparagraph (B) has been approved by, or is subject to the approval of, the court as reasonable when compared to individuals holding comparable positions at comparable companies in the same industry and not disproportionate in light of economic concessions by the debtor's nonmanagement workforce during the case.''.

SEC. 302. LIMITATIONS ON EXECUTIVE COMPENSATION ENHANCEMENTS.

Section 503(c) of title 11, United States Code, is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A)—

(A) by inserting '', a senior executive officer, or any of the 20 next most highly compensated employees or consultants'' after ''an insider'';

(B) by inserting ''or for the payment of performance or incentive compensation, or a bonus of any kind, or other financial returns designed to replace or enhance incentive, stock, or other compensation in effect before the date of the commencement of the case,'' after ''remain with the debtor's business,''; and

(C) by inserting ''clear and convincing'' before ''evidence in the record''; and

(2) by amending paragraph (3) to read as follows:

''(3) other transfers or obligations, to or for the benefit of insiders, senior executive officers, managers, or consultants providing services to the debtor, in the absence of a finding by the court, based upon clear and convincing evidence, and without deference to the debtor's request for such payments, that such transfers or obligations are essential to the survival of the debtor's business or (in the case of a liquidation of some or all of the debtor's assets) essential to the orderly liquidation and maximization of value of the assets of the debtor, in either case, because of the essential nature of the services provided, and then only to the extent that the court finds such transfers or obligations are reasonable compared to individuals holding comparable positions at comparable companies in the same industry and not disproportionate in light of economic concessions by the debtor's nonmanagement workforce during the case.''.

SEC. 303. ASSUMPTION OF EXECUTIVE BENEFIT PLANS.

Section 365 of title 11, United States Code, is amended—

(1) in subsection (a), by striking ''and (d)'' and inserting ''(d), (q), and (r)''; and

(2) by adding at the end the following:

''(q) No deferred compensation arrangement for the benefit of insiders, senior executive officers, or any of the 20 next most highly compensated employees of the debtor shall be assumed if a defined benefit plan for employees of the debtor has been terminated pursuant to section 4041 or 4042 of the Employee Retirement Income Security Act of 1974, on or after the date of the commencement of the case or within 180 days before the date of the commencement of the case.

''(r) No plan, fund, program, or contract to provide retiree benefits for insiders, senior executive officers, or any of the 20 next most highly compensated employees of the debtor shall be assumed if the debtor has obtained relief under subsection (g) or (h) of section 1114 to impose reductions in retiree benefits or under subsection (d) or (e) of section 1113 to impose reductions in the health benefits of active employees of the debtor, or reduced or eliminated health benefits for active or retired employees within 180 days before the date of the commencement of the case.''.

SEC. 304. RECOVERY OF EXECUTIVE COMPENSATION.

(a) IN GENERAL.—Subchapter III of chapter 5 of title 11, United States Code, is amended by inserting after section 562 the following:

''§ 563. Recovery of executive compensation

''(a) If a debtor has obtained relief under subsection (d) of section 1113, or subsection (g) of section 1114, by which the debtor reduces the cost of its obligations under a collective bargaining agreement or a plan, fund, or program for retiree benefits as defined in section 1114(a), the court, in granting relief, shall determine the percentage diminution in the value of the obligations when compared to the debtor's obligations under the collective bargaining agreement, or with respect to retiree benefits, as of the date of the commencement of the case under this title before granting such relief. In making its determination, the court shall include reductions in benefits, if any, as a result of the termination pursuant to section 4041 or 4042 of the Employee Retirement Income Security Act of 1974, of a defined benefit plan administered by the debtor, or for which the debtor is a contributing employer, effective at any time on or after 180 days before the date of the commencement of a case under this title. The court shall not take into account pension benefits paid or payable under such Act as a result of any such termination.

''(b) If a defined benefit pension plan administered by the debtor, or for which the debtor is a contributing employer, has been terminated pursuant to section 4041 or 4042 of the Employee Retirement Income Security Act of 1974, effective at any time on or after 180 days before the date of the commencement of a case under this title, but a debtor has not obtained relief under subsection (d) of section 1113, or subsection (g) of section 1114, the court, upon motion of a party in interest, shall determine the percentage diminution in the value of benefit obligations when compared to the total benefit liabilities before such termination. The court shall not take into account pension benefits paid or payable under title IV of the Employee Retirement Income Security Act of 1974 as a result of any such termination.

''(c) Upon the determination of the percentage diminution in value under subsection (a) or (b), the estate shall have a claim for the return of the same percentage of the compensation paid, directly or indirectly (including any transfer to a self-settled trust or similar device, or to a nonqualified deferred compensation plan under section 409A(d)(1) of the Internal Revenue Code of 1986) to any officer of the debtor serving as member of the board of directors of the debtor within the year before the date

of the commencement of the case, and any individual serving as chairman or lead director of the board of directors at the time of the granting of relief under section 1113 or 1114 or, if no such relief has been granted, the termination of the defined benefit plan.

''(d) The trustee or a committee appointed pursuant to section 1102 may commence an action to recover such claims, except that if neither the trustee nor such committee commences an action to recover such claim by the first date set for the hearing on the confirmation of plan under section 1129, any party in interest may apply to the court for authority to recover such claim for the benefit of the estate. The costs of recovery shall be borne by the estate.

''(e) The court shall not award postpetition compensation under section 503(c) or otherwise to any person subject to subsection (c) if there is a reasonable likelihood that such compensation is intended to reimburse or replace compensation recovered by the estate under this section.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, is amended by inserting after the item relating to section 562 the following:

''563. Recovery of executive compensation.''.

SEC. 305. PREFERENTIAL COMPENSATION TRANSFER.

Section 547 of title 11, United States Code, is amended by adding at the end the following:

''(j)(1) The trustee may avoid a transfer—

''(A) made—

''(i) to or for the benefit of an insider (including an obligation incurred for the benefit of an insider under an employment contract) made in anticipation of bankruptcy; or

''(ii) in anticipation of bankruptcy to a consultant who is formerly an insider and who is retained to provide services to an entity that becomes a debtor (including an obligation under a contract to provide services to such entity or to a debtor); and

''(B) made or incurred on or within 1 year before the filing of the petition.

''(2) No provision of subsection (c) shall constitute a defense against the recovery of a transfer described in paragraph (1).

''(3) The trustee or a committee appointed pursuant to section 1102 may commence an action to recover such transfer, except that, if neither the trustee nor such committee commences an action to recover such transfer by the time of the commencement of a hearing on the confirmation of a plan under section 1129, any party in interest may apply to the court for authority to recover the claims for the benefit of the estate. The costs of recovery shall be borne by the estate.''.

TITLE IV—OTHER PROVISIONS

SEC. 401. UNION PROOF OF CLAIM.

Section 501(a) of title 11, United States Code, is amended by inserting '', including a labor organization,'' after ''A creditor''.

SEC. 402. EXCEPTION FROM AUTOMATIC STAY.

Section 362(b) of title 11, United States Code, is amended—

(1) in paragraph (27), by striking ''and'' at the end;

(2) in paragraph (28), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(29) of the commencement or continuation of a grievance, arbitration, or similar dispute resolution proceeding established by a collective bargaining agreement that was or could have been commenced against the debtor before the filing of a case under this title, or the payment or enforcement of an award or settlement under such proceeding.''.

By Mr. HOEVEN (for himself, Mr. MCCAIN, Ms. MURKOWSKI, and Mr. BARRASSO):

S. 2592. A bill to promote energy production and security, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. HOEVEN. We are here today to talk about energy—energy for our country but also energy for our allies. This is a discussion not just about energy, it is about jobs, good-paying jobs. It is also about economic growth. It is about generating tax revenues to help reduce the debt and the deficit without raising taxes. It is about national security—not only our national security but also working with our closest friend and ally, Canada, as well as our allies in Europe, the European Union, and working to help countries such as the Ukraine that very much need energy supply from sources other than Russia.

With the current events going on in the Ukraine, it is very clear that we need to play a long-term game, a long-term strategy—deploy a long-term strategy when it comes to helping our allies, not only in terms of our national security but working with our allies to make them stronger, their strength, their national security. The national security of allies also contributes to our strength and our security here at home. So that is what we are here to talk about. We are here to talk about the North Atlantic Energy Security Act, legislation we are introducing today—myself, Senator BARRASSO, Senator MCCAIN, and Senator MURKOWSKI.

I am going to take a few minutes to talk about energy production, transportation, and export in terms of building our energy future in this country and working with our allies. Senator BARRASSO is here, and he will be talking about the specific legislation. Senator MCCAIN will join us as well to talk about the national security issues and implications.

I will start with the first chart.

Very simply, what we want to do is continue to produce more energy in our Nation, in the heartland of our Nation and throughout our country. We want to transport that increased production to market. That includes not only markets domestically but also markets where we can export it to our friends and allies in the European Union, to the Ukraine, and to Japan. That is the simple equation we are working on. Again, it is about energy. It is about jobs. It is about a growing economy. It is very much about national security.

That gas is produced throughout our country, more and more all the time. Right now we produce 30 trillion cubic feet of natural gas a year. We only use 26 trillion cubic feet of natural gas a year, so we are already producing more than we consume, and that number is growing.

What happens when you produce more than you consume and you do not have a market for that gas? In places such as North Dakota, we are flaring off that gas. Right now, just in my State alone, we flare $1.5 million a day of natural gas—$1.5 million a day. That is natural gas that we need to capture, that we need to get in gathering systems, that we need to transport to markets, and we need markets for that gas. This is just common sense.

How do we move gas from North Dakota to places such as Ukraine, where there is much need for a market? Well, we need both interstate and intrastate pipeline systems. On this chart, you can see that the purple is the interstate. That is how we move gas across State lines. But we also need intrastate gathering systems. A lot of oil wells produce natural gas as a byproduct; other wells are just gas wells. But you need gathering systems, the blue systems that go to all those wells so that gas can be gathered, put in the interstate system, and moved to markets—markets throughout the United States and markets overseas.

As I said a minute ago, we produce 30 trillion cubic feet a year, States such as North Dakota, Wyoming, and many others. That number is growing. We produce 30 trillion cubic feet a year, but we only consume 26 trillion, so we are flaring off that gas.

We need markets. As we work to build those gathering systems and those interstate pipelines, how do we get markets? Well, we move that product to overseas as liquefied natural gas, LNG. It is cooled and condensed, put on ships, and moved to other markets—the European Union, Ukraine, Japan—by ship. But we need the LNG facilities to do it. We do not have them. So that is a problem, right? Well, it is, except we have many companies that are not only ready and willing but anxious to build the facilities. Here are 16 right here, 16 applications.

Of the 26 applications that are pending, many of them have been pending for over a year waiting to get approval from the Department of Energy and from the FERC. So here we are flaring off natural gas, as I showed a minute ago—$1.5 million a day in my State—flaring it off because we produce more than we consume. We need markets. These applications are just sitting there and have been for more than a year.

If they get approved, what happens? Let's take an example. Here is one by a company everybody has heard of—Exxon. Exxon has an application. As you can see here, they have had an application in for over a year waiting to get approved at Sabine Pass, TX, which is right down in that gulf area. They are ready, willing, and able to spend $10 billion right now, today, to build that facility.

Where are they going to move the gas? They are going to move it to the United Kingdom so it can go right into the European system. We will touch on that European system and how it gets to places such as the Ukraine in a minute. But if they can get approval—

I have already talked to their CEO, Mr. Rex Tillerson. He indicates that within 36 to 40 months of approval, they can be moving gas into the European markets. Does that sound realistic? It certainly does. Obviously that is a very large company with the capabilities to do what they say they are willing and want to do.

Here is another example. Here is Cheniere. Same place—Sabine Pass. This is one that did get approved. This is one that did get approval. They intend to be delivering gas into the European market by the middle of next year—middle of next year. So this is not something that is going to take forever to happen.

We not only have the fact that we can start moving natural gas over here in a very reasonable amount of time, but think of the impact on the markets in Europe and the impact on Russia and gas prices when they know it is coming.

I am going to ask Senator MCCAIN to step in here. I mentioned a minute ago that application I showed you that is pending from Exxon. They want to move that natural gas to market right here in the UK.

What this chart shows is the pipeline network throughout Europe that will enable them to move that product throughout Europe and even into Eastern Europe, including places such as Ukraine.

Right now where is all that gas coming from? Russia, Gazprom. All these pipelines are coming down from Russia and providing that gas to the European countries, to the European Union, and to the Ukraine. Of course, that makes them dependent on Russia and that enables Russia to engage in the kind of activity we have seen and we can't always be reacting short term. We need a long-term strategy to break that hold.

Here are some of the numbers. This shows not only Ukraine but look at the impact on other NATO countries, Lithuania, Estonia, Latvia, 100 percent of their gas coming from Russia. Think of the leverage that gives Russia in this situation.

The last chart is the North Atlantic Energy Security Act. Quite simply, we are going to cut the redtape that is holding up production and infrastructure, we are going to reduce flaring, and we are going to expedite LNG to our friends and allies, to countries such as the European Union, to Ukraine, to Japan. We reduce the redtape that is holding up production. We are producing 30 trillion cubic feet of natural gas, and we can produce a lot more, but we have to cut through the redtape. We also enhance and expand our ability to build the gathering systems that move that natural gas to market, and we allow export.

We have an expedited process so we can export that gas to the markets we need, to our friends, and to our allies. Again, this is about energy, but it is about creating jobs, it is about growing our economy, it is about the national security of our country and our allies, and it is about having a long-term strategy that works, not going from crisis to crisis.

With that, I turn to my colleague, the senior Senator from Arizona, to comment on some of the national security implications.

Mr. MCCAIN. I ask unanimous consent the colloquy between the three of us be allowed.

The PRESIDING OFFICER. Without objection.

Mr. MCCAIN. I thank my two colleagues from North Dakota and Wyoming. There are no two Members of the Senate who know more and have worked harder on this energy issue. There are no two Senators who have worked harder to try to bring to the American people the fact that if we could export energy to these countries, it could literally change the world. This is not only when it actually arrives, but when Vladimir Putin gets the message, within 3 years—as I understand the Senator from North Dakota's context—we could be sending energy to the living rooms.

If you would put the numbers back up with the countries and their dependence on Russian energy.

Within 3 years the people within Latvia, Estonia, members of NATO, would no longer be reliant—and it gets very cold up in those Baltic countries as well. It can have a significant effect on the entire world.

I would also point out if that energy—and I would ask my colleagues from Wyoming or North Dakota—could get to the living room of Kiev—which the Senator showed the different pipelines that cross Ukraine—that has a huge effect.

I would ask my friend from Wyoming to comment.

We have threatened Russians time after time after they absorbed Crimea in violation of an agreement they made in Budapest to respect the territorial integrity of Ukraine. They absorbed Crimea. They continue to provoke unrest in Eastern Ukraine.

They have been threatened time after time by the United States and Europe, and I would argue that the handful of sanctions on individuals has had very little effect whatsoever on Russian behavior.

I ask the Senator from Wyoming as well, this is not only about the fact that the United States of America would be an energy exporter—which is a huge effect on our economy—but this could have a huge effect on the entire European Continent, because if Vladimir Putin understands that this energy is coming from a friend of the ally of the United States America, as opposed to them being dependent on Russian oil and energy, I would argue that it could change the entire shape of the world as we know it.

I thank both of the Senators who have been involved in this issue for many years. I don't know how many times both Senators have come to the floor—and I might just say I don't claim to be an expert on energy as my two colleagues are—but I will say the presentation the Senator from North Dakota just made should be understandable and I believe is understandable to every American citizen how we can, within 3 years as I understand it, achieve a level of energy independence and that for Europe that could literally change the entire equation in Europe and in the United States.

Mr. BARRASSO. My friend and colleague from Arizona is absolutely right. The three of us have traveled together to Ukraine. We have traveled together to Latvia and Lithuania.

What we hear everywhere we go is: Please sell us natural gas. Please sell us energy. Please help us undermine what Putin is doing to us.

Energy should be used as a geopolitical weapon, and it is the advances in technology in just the last decade that have made all of this possible. The Senators from Arizona and North Dakota are both correct. We are producing more now than ever. They are well aware of that throughout Europe and throughout the Baltics—to the point that Lithuania is even in the middle of acquiring an at-sea platform to change liquefied natural gas into natural gas—to warm it up, if you will, for use—and it is called the Independence. That is the name of this platform. It is to give them independence from Russia.

That is what they are investing in, and now they are saying to us: Please send it our way.

The technology has changed so much that in 2005 a book came out called ''Beyond Oil,'' and it was sent to every University of Wyoming first-year student coming in. They were invited to read it, and there was a whole section on liquefied natural gas.

At the time the technology wasn't developed enough for us to be so blessed in the United States to produce it, so that they were talking about actually building terminals in Louisiana, Texas, to import liquefied natural gas from other places.

Now we have reversed it. We are now in a position where we have such an abundance of liquefied natural gas, as my colleague from North Dakota said, we are flaring it off, burning it to the point of $1.5 million a day. That is the value of that gas, and there is also tax revenue that is not being collected because this isn't being sold, so our States could use the revenue. The Federal Government would benefit from us selling this rather than burning it, but yet we don't have the opportunity to do so because of the specifics of the laws with which we are faced.

We need to change the law. We need to be able to export. We need to be able to have permits to export, and we are seeing a lot of foot-dragging by this administration, which is why there are bills on this floor, bipartisan pieces of legislation, to help us use our energy abundance as a geopolitical weapon to

undermine Vladimir Putin's ability to use energy as a weapon of his own, a club against, as we have said, Ukraine, Moldova, Latvia, Lithuania, Estonia—all of these areas that are so dependent upon Russia for their gas, when they would rather buy it from us.

It would be an opportunity for us in America to become a net exporter in a way that would help balance our trade and balance our payments. It would bring cash back into the United States and we would be so much less dependent on the Middle East for sources of energy. We should be relying on that at home.

I look to my colleague from Arizona and say he is absolutely right in his leadership, in his direction, and in his global view that he has seen in his incredible service to our country. He has seen the shift. He has seen the future, and he knows the future success for our country comes in exporting liquefied natural gas to Europe, to our NATO allies, to Ukraine.

That is why we bring to the floor today the North Atlantic Energy Security Act, which we believe will help our country, help globally, and help us not just economically but help us geopolitically as well.

I turn to my friends from either Arizona or North Dakota to continue in this discussion, and then I will get back to some specific things that are happening around the world.

Mr. MCCAIN. I say to both of my colleagues, the Senator from North Dakota, Americans understand, I believe, that we need to do what we can to help our European friends become independent of Vladimir Putin as a source of energy.

They also are beginning to understand the United States of America is going to be an exporter of energy, which will obviously change our dependence on Middle Eastern energy and on other forms of energy, but the way the Senator from North Dakota described this, I think every American, if they saw it, would ask: Why don't we move in that direction? Why don't we believe the major energy companies that say within 3 years—and beginning, I understand, next year with some of them—we could be supplying these countries with energy which would then give them not only the ability to have energy without dependency, but it also sends a huge message to Vladimir Putin and to Europe that they are no longer dependent on his largesse. There have been times in the past where Vladimir Putin has shut off the energy in the wintertime, and it gets very cold in some of these countries in the wintertime.

It might also send a message to Vladimir Putin himself that he is not going to get away with the kind of behavior that he has.

I would ask the Senator from North Dakota, what does it require—suppose I am just an average citizen—to capture that natural gas that is being burned for $1 million-plus a day? What does it require to capture that and then get it to that port where it is going to be exported?

I would finally say I intend to go every place I can in America in the next few months and give the same presentation the Senator from North Dakota did and help the American people understand that we don't have to do a lot.

The energy is there. The question is, Do we have the national will and legislative will to take the action necessary to get that energy to the people who need it so badly, who are literally under the threat of freezing cold this coming winter?

Mr. HOEVEN. I thank the Senator from Arizona for his comments, his leadership, and for his willingness to work on this vitally important issue.

In terms of responding to his question: OK. What needs to happen—I wish to take a minute to give an overview of the legislation and then ask the Senator from Wyoming to comment in more detail.

As I said at the outset, and I actually have said several times, this is about more energy, it is about job creation, it is about growing the economy, and it is about national security.

It is also very much about environmental benefits. I showed you gas being flared off a well. This gas is just being flared.

Not only is that wasting a natural resource which we can capture and get value for, but when we capture that, we also create environmental benefits.

Nationally, we flare or vent, burn off, 212 billion cubic feet of gas a year—212 billion cubic feet of gas a year now being burned off.

Mr. MCCAIN. Which is roughly how much money?

Mr. HOEVEN. Oh, boy. To convert it, it is billions, right, it is in the billions of dollars. I don't have the exact number, but it is a huge amount. It is $1.5 million a day in my State alone so the Senator can see we are talking billions of dollars. There are also tremendous environmental benefits as well.

But let's go to the legislation for a minute because I think this is responsive to the question asked by the Senator from Arizona about: OK. How do we make it happen?

The reality is we are producing the energy now, we can produce more, and this doesn't cost taxpayer money.

This creates revenues without raising taxes. This is going to create revenues to help address the debt and the deficit. This is enabling and empowering the private companies to make investments to create jobs, make investments to produce the energy.

Going back to this chart, Exxon wants to invest $10 billion today, creating thousands of jobs and a tremendous amount of revenue for the Federal Government to reduce the deficit and debt. It doesn't cost a penny. That is not what it is about. It is about streamlining the regulation, cutting the redtape. That means making sure we streamline and expedite the process to get wells approved. That is the first area of legislation that increases our production onshore. We can do it offshore as well. But we are talking about more production. As I say, we are already producing more than we consume.

Second, it is about building those gathering systems. It requires permits and approvals to build gathering systems, so we are not able to build those gathering systems. If you can't build a gathering system, what happens? You burn off the gas because you can't get it to market. So that process is being held up. Again, it is about cutting through the redtape, reducing the regulation and bureaucracy. It doesn't cost anything.

The final piece, the same thing—getting approval to export LNG. Right now there is one that has final approval from the DOE and FERC. There are 26 applications pending. One has final approval from the DOE—Department of Energy—and the FERC. Six have conditional approval and 26 are pending. It is as simple as getting the approvals and cutting through that redtape. This is not about spending taxpayer dollars; it is about generating revenues.

Mr. MCCAIN. If I could ask the Senator from North Dakota one additional question, and maybe the Senator from Wyoming would comment on it too. What about the environmental aspects of using natural gas as opposed to other forms of energy, whether it be coal or oil or other forms of energy?

Mr. HOEVEN. I would respond briefly to the Senator from Arizona and then turn to the Senator from Wyoming on that issue as well for more detail on the legislation. He has tremendous expertise in this area and has been working on it for a long time.

Clearly, it is a double win because not only are we no longer burning off or flaring that natural gas, but we are using natural gas, which is a very clean resource, for a whole range of energy uses, whether it is powering homes or many other uses. So it is a huge environmental win.

Mr. MCCAIN. So I would think the EPA would be out there in front arguing for this legislation.

Mr. HOEVEN. Absolutely an environmental win.

Mr. BARRASSO. It is interesting. The Senator from South Dakota, the Senator from Arizona, and I were reviewing this article in today's Wall Street Journal, Thursday, July 10.

The headline is ''In the Arctic, Shipping Route Is Set to Supply LNG to Asia,'' and there is a map of the globe. It says:

> Shipping companies in China and Japan said they would start a regular service to carry Siberian natural gas across the Arctic Ocean to East Asia, showing how Asian demand for the fuel is reshaping global shipping routes.

So with the forces at play—Asia's demand for natural gas, Japan's move

away from nuclear power, China's struggle with pollution—this is an opportunity for us to use a resource we have in the United States and export it in a very profitable way for our country, put people to work, increase tax revenues to the States, increase tax revenues to the Nation, and improve our balance of trade. The technology is now allowing us to do it, but the government is not. That is the biggest problem we have—a bureaucratic Federal Government that is not allowing what we have and what we have learned to use. The government is blocking it, and that is why we have come to the floor today to try to encourage additional exports to Europe and support the North Atlantic Energy Security Act.

Mr. HOEVEN. Madam President, I turn to the good Senator from Arizona for any final comments. Seeing that he doesn't have any, I thank him.

I also thank the good Senator from Wyoming and ask if there are any final comments he might have on the legislation. He has been an author of much of this legislation. I thank him for that tremendous work and for being part of this effort.

Mr. BARRASSO. The legislation is bipartisan. We have Republicans and Democrats alike who realize there are incredible values to us as a nation to be exporting liquefied natural gas.

At a time when the technology is there, the will is there, we need to get a vote on the Senate floor. I offered the amendment before and bring it again today as legislation, the North Atlantic Energy Security Act. It is about energy, it is about security—our economic security, our energy security—and our opportunities on the geopolitical stage to use our resources to the best advantage of our Nation and our Nation's citizens.

I thank the Senator from North Dakota for his continued leadership in this area.

Mr. HOEVEN. I thank the Senator from Wyoming.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 498—EXPRESSING THE SENSE OF THE SENATE REGARDING UNITED STATES SUPPORT FOR THE STATE OF ISRAEL AS IT DEFENDS ITSELF AGAINST UNPROVOKED ROCKET ATTACKS FROM THE HAMAS TERRORIST ORGANIZATION

Mr. GRAHAM (for himself, Mr. MENENDEZ, Ms. AYOTTE, Mr. SCHUMER, Mr. MCCAIN, Mr. CORKER, Mr. RUBIO, Mr. BLUNT, Mr. KIRK, Mr. TOOMEY, Mr. ALEXANDER, Mr. MORAN, Mr. JOHANNS, Mr. HELLER, Mr. INHOFE, Mrs. FISCHER, Ms. COLLINS, Mr. CRUZ, Mr. VITTER, Mr. PAUL, Mr. BLUMENTHAL, Mrs. BOXER, Mr. NELSON, Mr. FRANKEN, Ms. MURKOWSKI, Mr. THUNE, Mr. GRASSLEY, Mr. HATCH, Mr. MURPHY, Mr. SCOTT, Mr. CARDIN, Mr. CRAPO, Mr. CHAMBLISS, Mr. ROBERTS, Mr. CASEY, Mr. WICKER, Mr. COATS, Mrs. SHAHEEN, Mr. TESTER, Mr. KAINE, Mr. LEE, and Mr. BEGICH) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 498

Whereas Hamas is a United States-designated terrorist organization whose charter calls for the destruction of the State of Israel;

Whereas Hamas continues to reject the core principles of the Middle East Quartet (the United Nations, the United States, the European Union, and Russia)—recognize Israel's right to exist, renounce violence, and accept previous Israeli-Palestinian agreements;

Whereas Hamas has killed hundreds of Israelis and dozens of Americans in rocket attacks and suicide bombings;

Whereas, since Israel's withdrawal from Gaza in 2005, Hamas and other terrorist groups have fired thousands of rockets at Israel;

Whereas Hamas has entered into a unity governing arrangement with Fatah and the Palestinian Authority;

Whereas the unity governing agreement implies Fatah's and the Palestinian Authority's support for Hamas' belligerent actions against Israel, potentially contributing to a false perception of legitimacy for Hamas' belligerent actions;

Whereas, since June 2014, Hamas has fired nearly 300 rockets at Israel;

Whereas Hamas's weapons arsenal includes approximately 12,000 rockets that vary in range;

Whereas innocent Israeli civilians are indiscriminately targeted by Hamas rocket attacks; and

Whereas 5,000,000 Israelis are currently living under the threat of rocket attacks from Gaza: Now, therefore, be it

Resolved, That the Senate—

(1) reaffirms its support for Israel's right to defend its citizens and ensure the survival of the State of Israel;

(2) condemns the unprovoked rocket fire at Israel;

(3) calls on Hamas to immediately cease all rocket and other attacks against Israel; and

(4) calls on Palestinian Authority President Mahmoud Abbas to dissolve the unity governing arrangement with Hamas and condemn the attacks on Israel.

SENATE RESOLUTION 499—CONGRATULATING THE AMERICAN MOTORCYCLIST ASSOCIATION ON ITS 90TH ANNIVERSARY

Mr. MANCHIN submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 499

Whereas the American Motorcyclist Association has been promoting and protecting the motorcyclist lifestyle since 1924;

Whereas the members of the American Motorcyclist Association are the world's largest and most dedicated group of motorcycle enthusiasts;

Whereas the American Motorcyclist Association represents motorcycle riders, who are among the most passionate motorcycle enthusiasts in the United States;

Whereas through member clubs, promoters, and partners, the American Motorcyclist Association authorizes almost 3,000 motorsports competition events annually; and

Whereas the American Motorcyclist Association's headquarters in Pickerington, Ohio, is home to the American Motorcyclist Association Motorcycle Hall of Fame, which honors those who have contributed to the history of motorcycling through political activism, culture, and sport, and which preserves the heritage of motorcycling for future generations: Now, therefore, be it

Resolved, That the Senate congratulates the American Motorcyclist Association on its 90th Anniversary and commends it for promoting and protecting the rights and interests of motorcyclists and motorcycle enthusiasts since 1924.

SENATE RESOLUTION 500—EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO ENHANCED RELATIONS WITH THE REPUBLIC OF MOLDOVA AND SUPPORT FOR THE REPUBLIC OF MOLDOVA'S TERRITORIAL INTEGRITY

Mrs. SHAHEEN (for herself, Mr. RUBIO, Mr. MENENDEZ, Mr. MCCAIN, and Mr. MURPHY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 500

Whereas the United States has enjoyed warm relations with the Republic of Moldova since the Republic of Moldova's independence in 1991;

Whereas, since the Republic of Moldova's independence, the United States has provided financial assistance to support the efforts of the people of the Republic of Moldova to build a prosperous European democracy;

Whereas the United States and the Republic of Moldova further strengthened their partnership through the launching of a Strategic Dialogue on March 3, 2014;

Whereas the Republic of Moldova signed an Association Agreement containing comprehensive free trade provisions with the European Union on June 27, 2014 and ratified the agreement on July 2, 2014;

Whereas the Government of the Republic of Moldova made extraordinary efforts to comply with the criteria for an Association Agreement with the European Union, including significant legislative reforms to improve the rule of law and curtail corruption;

Whereas new parliamentary elections are expected to be held in the Republic of Moldova in November 2014;

Whereas the United States Government supports the democratic aspirations of the people of the Republic of Moldova and their expressed desire to deepen their association with the European Union;

Whereas the United States supports the sovereignty and territorial integrity of the Republic of Moldova and, on that basis, participates as an observer in the ''5+2'' negotiations to find a comprehensive settlement that will provide a special status for the separatist region of Transnistria within the Republic of Moldova;

Whereas, in September 2013, Russian Deputy Prime Minister Dmitri Rogozin said that Moldova ''would lose Transnistria if Moldova continues moving toward the European Union'' and that ''Moldova's train en route to Europe would lose its wagons in Transnistria'';

Whereas in 2013, the Government of the Russian Federation banned the import of Moldovan wine and certain agricultural products in anticipation of Republic of Moldova initialing the Association Agreement with the European Union;

Whereas, in response to the Republic of Moldova signing and ratifying the Association Agreement with the European Union, the Government of the Russian Federation has banned additional agricultural products and threatened to curtail the supply of energy resources to the Republic of Moldova, expel Moldova from the Commonwealth of Independent States free trade zone, and impose stricter labor migration policies on the people of the Republic of Moldova;

Whereas the Government of the Russian Federation maintains a contingent of Russian troops and a stockpile of Russian military equipment and ammunition within the Moldovan region of Transnistria;

Whereas the Government of Russia has been actively issuing Russian passports to the residents of the Transnistria region in the Republic of Moldova;

Whereas the Council of Europe, the Organization for Security and Cooperation in Europe (OSCE), and the Government of the Republic of Moldova have called upon the Government of the Russian Federation to remove its troops from the territory of the Republic of Moldova;

Whereas authorities in the Republic of Moldova's Transnistria region have restricted the access of OSCE Mission to Moldova monitors to the Transnistria region, thereby preventing the Mission from providing impartial reporting on the security situation in the region;

Whereas the House of Representatives and the Senate both passed, by an overwhelming majority, and the President signed into law the Act relating to ''United States International Programming to Ukraine and Neighboring Regions'', approved April 3, 2014 (Public Law 113–96; 22 U.S.C. 6211 note), providing for a United States international broadcast programming surge to counter misinformation from Russian-supported news outlets and ensuring that Russian-speaking populations in Ukraine and Moldova have access to independent news and information; and

Whereas Moldova has been a valued and reliable partner in promoting global security by participating in United Nations peacekeeping missions in Liberia, Cote d'Ivoire, Sudan, Georgia, and Kosovo: Now, therefore, be it

Resolved, That the Senate—

(1) reaffirms that it is the policy of the United States Government to support the sovereignty, independence, and territorial integrity of the Republic of Moldova and the inviolability of its borders;

(2) supports the Strategic Dialogue as a means to strengthen relations between the Republic of Moldova and the United States and to enhance the democratic, economic, and security reforms already being implemented by the Republic of Moldova;

(3) urges the President to consider increasing security and intelligence cooperation with the Government of Moldova;

(4) encourages the President and the Secretary of State to enhance United States cooperation with the Government of the Republic of Moldova and civil society organizations and to focus assistance on rule of law, anti-corruption efforts, energy security, and improving trade relations and investment opportunities;

(5) supports increased educational exchanges between the United States and the Republic of Moldova;

(6) encourages the President to expedite the implementation of the Act relating to ''United States International Programming to Ukraine and Neighboring Regions'', approved April 3, 2014 (Public Law 113–96; 22 U.S.C. 6211 note), especially because it relates to populations in Ukraine and the Republic of Moldova;

(7) affirms the Republic of Moldova's sovereign right to determine its own partnerships free of external coercion and pressure, and affirms the Republic of Moldova's right to associate with the European Union and any other regional organization;

(8) urges the European Union to continue to work for greater political, economic, and social integration with the Republic of Moldova;

(9) calls on the Government of the Russian Federation to refrain from using economic coercion against the Republic of Moldova, cease support for separatist movements in the territory of the Republic of Moldova, and fulfill its commitments made at the Organization for Security and Cooperation in Europe (OSCE) 1999 summit in Istanbul to withdraw its military forces and munitions from within the internationally recognized territory of the Republic of Moldova;

(10) supports constructive engagement and confidence-building measures between the Government of the Republic of Moldova and the authorities in the Transnistria region in order to secure a peaceful, comprehensive resolution to the conflict that respects the Republic of Moldova's sovereignty and territorial integrity;

(11) urges officials in the Transnistrian region to allow OSCE Mission to Moldova monitors unrestricted access to that region;

(12) discourages any unilateral actions that may undermine efforts to achieve a peaceful resolution, as well as the agreements already reached, and encourages leaders of the Transnistrian region to resume negotiations toward a political settlement; and

(13) affirms that lasting stability and security in Europe is a key priority for the United States Government which can only be achieved if the territorial integrity and sovereignty of all European countries is respected.

SENATE CONCURRENT RESOLUTION 39—EXPRESSING THE SENSE OF CONGRESS REGARDING SUPPORT FOR VOLUNTARY, INCENTIVE-BASED, PRIVATE LAND CONSERVATION IMPLEMENTED THROUGH COOPERATION WITH LOCAL SOIL AND WATER CONSERVATION DISTRICTS

Mr. PRYOR (for himself, Mr. BOOZMAN, and Mr. DONNELLY) submitted the following concurrent resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. CON. RES. 39

Whereas over 70 percent of the contiguous United States is privately owned;

Whereas the future of the environment is determined by the decisions made by the men and women who own and manage that land, including urban landscapes;

Whereas world population is projected to reach 9,000,000,000 people by 2050;

Whereas increased production will be needed from agricultural land to feed the increasing population;

Whereas meeting these needs will make caring for the environment more difficult; and

Whereas landowners work to ensure they sustain a healthy environment to support abundant wildlife: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) Congress supports the conservation of the Nation's natural resources and working lands; and

(2) it is the sense of Congress that voluntary, incentive-based, private land conservation, provided in partnership with local conservation districts, is necessary to sustain natural resources, meet the needs of a growing population, and ensure safe, abundant, and adequate resources for current and future generations.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3531. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 2363, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table.

SA 3532. Ms. STABENOW (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed by her to the bill S. 2363, supra; which was ordered to lie on the table.

SA 3533. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2363, supra; which was ordered to lie on the table.

SA 3534. Ms. COLLINS (for herself, Mr. UDALL of Colorado, Mr. BURR, Mrs. SHAHEEN, Mr. GRAHAM, Mr. WYDEN, Mr. ALEXANDER, Mr. WALSH, Mr. PORTMAN, Mr. LEAHY, Mr. HEINRICH, and Ms. AYOTTE) submitted an amendment intended to be proposed by her to the bill S. 2363, supra; which was ordered to lie on the table.

SA 3535. Ms. COLLINS (for herself, Mr. UDALL of Colorado, Mr. BURR, Mrs. SHAHEEN, Mr. GRAHAM, Mr. WYDEN, and Mr. ALEXANDER) submitted an amendment intended to be proposed by her to the bill S. 2363, supra; which was ordered to lie on the table.

SA 3536. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 2363, supra; which was ordered to lie on the table.

SA 3537. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2363, supra; which was ordered to lie on the table.

SA 3538. Mr. JOHANNS (for himself and Mrs. FISCHER) submitted an amendment intended to be proposed by him to the bill S. 2363, supra; which was ordered to lie on the table.

SA 3539. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 2363, supra; which was ordered to lie on the table.

SA 3540. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 2363, supra; which was ordered to lie on the table.

SA 3541. Mr. COBURN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 2363, supra; which was ordered to lie on the table.

SA 3542. Mr. VITTER (for himself, Mr. CRUZ, Mr. BARRASSO, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 2363, supra; which was ordered to lie on the table.

SA 3543. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2363, supra; which was ordered to lie on the table.

SA 3544. Mr. HEINRICH (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 2363, supra; which was ordered to lie on the table.

SA 3545. Mr. CORNYN (for himself, Mr. VITTER, Mr. THUNE, Mr. BLUNT, and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill S. 2363, supra; which was ordered to lie on the table.

SA 3546. Mr. WALSH (for himself, Mr. UDALL of Colorado, and Mr. HEINRICH) submitted an amendment intended to be proposed to amendment SA 3456 submitted by

Mr. CRUZ and intended to be proposed to the bill S. 2363, supra; which was ordered to lie on the table.

SA 3547. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 3548. Mr. MURPHY submitted an amendment intended to be proposed by him to the bill S. 2410, supra; which was ordered to lie on the table.

SA 3549. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2244, to extend the termination date of the Terrorism Insurance Program established under the Terrorism Risk Insurance Act of 2002, and for other purposes; which was ordered to lie on the table.

SA 3550. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2244, supra; which was ordered to lie on the table.

SA 3551. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 2244, supra; which was ordered to lie on the table.

SA 3552. Mr. TESTER (for himself and Mr. JOHANNS) submitted an amendment intended to be proposed by him to the bill S. 2244, supra; which was ordered to lie on the table.

SA 3553. Mr. REID (for Mr. MENENDEZ) proposed an amendment to the resolution S. Res. 412, reaffirming the strong support of the United States Government for freedom of navigation and other internationally lawful uses of sea and airspace in the Asia-Pacific region, and for the peaceful diplomatic resolution of outstanding territorial and maritime claims and disputes.

SA 3554. Mr. REID (for Mr. PAUL) proposed an amendment to the resolution S. Res. 412, supra.

SA 3555. Mr. REID (for Mr. MENENDEZ) proposed an amendment to the resolution S. Res. 412, supra.

SA 3556. Mr. REID (for Mr. BLUNT) proposed an amendment to the bill S. 653, to provide for the establishment of the Special Envoy to Promote Religious Freedom of Religious Minorities in the Near East and South Central Asia.

TEXT OF AMENDMENTS

SA 3531. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 2363, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 1_____. OVERNIGHT PARKING AT UNITS OF THE NATIONAL WILDLIFE REFUGE SYSTEM.

(a) IN GENERAL.—Notwithstanding any other provision of law (including regulations), the Secretary of the Interior shall issue to covered individuals described in subsection (b) permits to park for a period of not more than 72 consecutive hours unattended off-highway vehicles in any area of a unit of the National Wildlife Refuge System in which parking is permitted.

(b) COVERED INDIVIDUAL.—A covered individual referred to in subsection (a) is an individual that is—

(1) at least 65 years of age;

(2) a veteran with a service-connected disability (as defined in section 101 of title 38, United States Code); or

(3) entitled to benefits under section 223 of the Social Security Act (42 U.S.C. 423).

SA 3532. Ms. STABENOW (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed by her to the bill S. 2363, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

TITLE III—RURAL HERITAGE CONSERVATION EXTENSION ACT OF 2014

SEC. 301. SPECIAL RULE FOR CONTRIBUTIONS OF QUALIFIED CONSERVATION CONTRIBUTIONS MADE PERMANENT.

(a) IN GENERAL.—

(1) INDIVIDUALS.—Subparagraph (E) of section 170(b)(1) of the Internal Revenue Code of 1986 is amended by striking clause (vi).

(2) CORPORATIONS.—Subparagraph (B) of section 170(b)(2) of such Code is amended by striking clause (iii).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2013.

SEC. 302. ELIMINATION OF CHARITABLE DEDUCTION FOR EASEMENTS ON GOLF COURSES.

(a) IN GENERAL.—Section 170(h) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(7) EXCEPTION FOR EASEMENTS FOR GOLF COURSES.—For purposes of this section, the term 'qualified conservation contribution' shall not include any contribution of an easement for use on, or intended for use on, a golf course.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after the date of the enactment of this Act.

SA 3533. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2363, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 1_____. MIGRATORY BIRD HUNTING AND CONSERVATION STAMP.

(a) INCREASE IN PRICE OF MIGRATORY BIRD HUNTING AND CONSERVATION STAMP TO FUND ACQUISITION OF CONSERVATION EASEMENTS FOR MIGRATORY BIRDS.—The Migratory Bird Hunting and Conservation Stamp Act is amended—

(1) in section 2(b) (16 U.S.C. 718b(b))—

(A) by striking ''1990, and'' and inserting ''1990,''; and

(B) by striking ''for each hunting year thereafter'' and inserting ''for hunting years 1991 through 2013, and $25 for each hunting year thereafter'';

(2) by adding at the end of section 2 (16 U.S.C. 718b) the following:

''(c) REDUCTION IN PRICE OF STAMP.—The Secretary may reduce the price of each stamp sold under the provisions of this section for a hunting year if the Secretary determines that the increase in the price of the stamp after hunting year 2013 resulted in a reduction in revenues deposited into the fund;''; and

(3) in section 4 (16 U.S.C. 718d)—

(A) in subsection (a)(3), by inserting before the period the following: '', in which there shall be a subaccount to which the Secretary of the Treasury shall transfer all amounts in excess of $15 that are received from the sale of each stamp sold for each hunting year after hunting year 2013'';

(B) in subsection (b)(1), by striking ''So much'' and inserting ''except as provided in paragraph (4), so much'';

(C) in subsection (b)(2), by striking ''paragraph (3)'' and inserting ''paragraphs (3) and (4)''; and

(D) by adding at the end of subsection (b) the following:

''(4) CONSERVATION EASEMENTS.—Amounts in the subaccount referred to in subsection (a)(3) shall be used by the Secretary solely to acquire easements in real property for conservation of migratory birds.''.

(b) ANNUAL REPORT ON EXPENDITURES.—Section 4 of the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718d) is further amended—

(1) in subsection (c)—

(A) by striking so much as precedes ''The Secretary may'' and inserting the following:

''(c) PROMOTION OF STAMP SALES.—''; and

(B) by striking paragraph (2); and

(2) by adding at the end the following:

''(e) ANNUAL REPORT.—The Secretary shall include in each annual report of the Commission under section 3 of the Migratory Bird Conservation Act (16 U.S.C. 715b)—

''(1) a description of activities conducted under subsection (c) in the year covered by the report; and

''(2) an annual assessment of the status of wetlands conservation projects for migratory bird conservation purposes, including a clear and accurate accounting of—

''(A) all expenditures by Federal and State agencies under this section;

''(B) all expenditures made for fee-simple acquisition of Federal lands in the United States, including the amount paid and acreage of each parcel acquired in each acquisition.''.

SA 3534. Ms. COLLINS (for herself, Mr. UDALL of Colorado, Mr. BURR, Mrs. SHAHEEN, Mr. GRAHAM, Mr. WYDEN, Mr. ALEXANDER, Mr. WALSH, Mr. PORTMAN, Mr. LEAHY, Mr. HEINRICH, and Ms. AYOTTE) submitted an amendment intended to be proposed by her to the bill S. 2363, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. _____. SENSE OF THE SENATE ON THE LAND AND WATER CONSERVATION FUND.

(a) FINDINGS.—The Senate finds the following:

(1) The year 2014 marks the 50th anniversary of the establishment of the Land and Water Conservation Fund under section 2 of the Land and Water Conservation Act of 1965 (16 U.S.C. 460*l*–5) (referred to in this subsection as the ''Fund''), the most successful and enduring conservation and outdoor recreation program of the United States.

(2) The Fund will expire in 2015 unless Congress takes action to renew this important program.

(3) The Fund has protected outdoor recreation sites in every State and nearly every county in the United States by ensuring access to hunting and fishing areas, protecting the most historic sites of the United States, supporting working forests and ranches, creating national scenic and historic trails, and conserving critical habitats.

(4) The Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.) has a 50-year history of bipartisan support as, with the overwhelming support of Congress—

(A) support for the Act began during the Eisenhower Administration;

(B) the Act was proposed to Congress by President Kennedy; and

(C) the Act was signed into law by President Johnson.

(5) The Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.) is fully funded, without relying on tax dollars, through the annual collection of $900,000,000 by the Treasury of the United States from a small percentage of royalties from offshore drilling and other Federal energy revenue sources.

(6) The Fund honors the principles of fiscal conservatism by reinvesting revenues from the sale of 1 national resource to protect other natural resources and ensure outdoor recreation for all people of the United States.

(7) Over the 50-year history of the Fund, more than half the amount credited to the Fund account has been diverted for other purposes.

(8) Continued investments in the Fund will stimulate the economy of the United States, create jobs, and strengthen infrastructure.

(9) Outdoor recreation and conservation activities are important economic contributors and support jobs in communities across the United States.

(10) The Fund drives local economies by growing recreational land to match increases in population and development pressure while also creating and protecting jobs in working forests and on working farms and ranches.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.) should be reauthorized; and

(2) full, permanent, and dedicated funding for the Land and Water Conservation Fund would keep the promise that was made to the people of the United States in 1964 to invest a small portion of the proceeds from natural resource development in conservation and outdoor recreation.

SA 3535. Ms. COLLINS (for herself, Mr. UDALL of Colorado, Mr. BURR, Mrs. SHAHEEN, Mr. GRAHAM, Mr. WYDEN, and Mr. ALEXANDER) submitted an amendment intended to be proposed by her to the bill S. 2363, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. _____. SENSE OF THE SENATE ON THE LAND AND WATER CONSERVATION FUND.

(a) FINDINGS.—The Senate finds the following:

(1) The year 2014 marks the 50th anniversary of the establishment of the Land and Water Conservation Fund under section 2 of the Land and Water Conservation Act of 1965 (16 U.S.C. 460*l*–5) (referred to in this subsection as the ''Fund''), the most successful and enduring conservation and outdoor recreation program of the United States.

(2) The Fund will expire in 2015 unless Congress takes action to renew this important program.

(3) The Fund has protected outdoor recreation sites in every State and nearly every county in the United States by ensuring access to hunting and fishing areas, protecting the most historic sites of the United States, supporting working forests and ranches, creating national scenic and historic trails, and conserving critical habitats.

(4) The Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.) has a 50-year history of bipartisan support as, with the overwhelming support of Congress—

(A) support for the Act began during the Eisenhower Administration;

(B) the Act was proposed to Congress by President Kennedy; and

(C) the Act was signed into law by President Johnson.

(5) The Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.) is fully funded, without relying on tax dollars, through the annual collection of $900,000,000 by the Treasury of the United States from a small percentage of royalties from offshore drilling and other Federal energy revenue sources.

(6) The Fund honors the principles of fiscal conservatism by reinvesting revenues from the sale of 1 national resource to protect other natural resources and ensure outdoor recreation for all people of the United States.

(7) Over the 50-year history of the Fund, more than half the amount credited to the Fund account has been diverted for other purposes.

(8) Continued investments in the Fund will stimulate the economy of the United States, create jobs, and strengthen infrastructure.

(9) Outdoor recreation and conservation activities are important economic contributors and support jobs in communities across the United States.

(10) The Fund drives local economies by growing recreational land to match increases in population and development pressure while also creating and protecting jobs in working forests and on working farms and ranches.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.) should be reauthorized; and

(2) full, permanent, and dedicated funding for the Land and Water Conservation Fund would keep the promise that was made to the people of the United States in 1964 to invest a small portion of the proceeds from natural resource development in conservation and outdoor recreation.

SA 3536. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 2363, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 203 and insert the following:

SEC. 203. NORTH AMERICAN WETLANDS CONSERVATION ACT.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 7(c) of the North American Wetlands Conservation Act (16 U.S.C. 4406(c)) is amended—

(1) in paragraph (4), by striking ''and'';

(2) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(6) $50,000,000 for each of fiscal years 2014 through 2019.''.

(b) CERTAIN PROPOSED RULE.—For the purposes of implementing this Act, during the period of fiscal years 2014 through 2019, the proposed rule entitled ''Definition of 'Waters of the United States' Under the Clean Water Act'' (79 Fed. Reg. 22188 (April 21, 2014)) shall not apply.

SA 3537. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2363, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. STATE AND TRIBAL MANAGEMENT AND PROTECTION OF WILD FREE-ROAMING HORSES AND BURROS.

Public Law 92–195 (16 U.S.C. 1331 et seq.) (commonly known as the ''Wild Free-Roaming Horses and Burros Act'') is amended by adding at the end the following:

''SEC. 12. STATE AND TRIBAL MANAGEMENT AND PROTECTION.

''(a) IN GENERAL.—Except as provided in subsection (c), at the request of a State legislature, Governor of a State, or the governing body of a federally recognized Indian tribe, the Secretary shall allow the State or federally recognized Indian tribe to assume all management and protection functions under this Act with respect to wild free-roaming horses and burros on land within the boundaries of the State or federally recognized Indian tribe.

''(b) MANAGEMENT.—Beginning on the date on which a State or federally recognized Indian tribe assumes the functions under subsection (a), the State or federally recognized Indian tribe shall manage wild free-roaming horses and burros on land within the boundaries of the State or federally recognized Indian tribe—

''(1) in accordance with this Act; and

''(2) in the same manner as any other non-federally regulated species with respect to functions not specified in this Act.

''(c) INVENTORY.—Notwithstanding the assumption of functions by a State or federally recognized Indian tribe under subsections (a) and (b), the Secretary shall continue to maintain the inventory required by section 3(b)(1).''.

SA 3538. Mr. JOHANNS (for himself and Mrs. FISCHER) submitted an amendment intended to be proposed by him to the bill S. 2363, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. 2_____. PROHIBITION ON USE OF FUNDS FOR CERTAIN CONSERVATION AREAS.

No funds made available under section 101 or the amendments made by section 201 or 203 shall be used by the Secretary of the Interior to acquire any land or interests in land for the Niobrara Confluence and Ponca Bluffs Conservation Areas unless the Secretary of the Interior solicits input from, and receives the consent of, the Governor and legislature of the State in which the land is located with respect to the acquisition.

SA 3539. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 2363, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 1_____. NATIONAL FISH HATCHERY SYSTEM.

In administering the National Fish Hatchery System, the Secretary of the Interior (acting through the Director of the United States Fish and Wildlife Service) shall give priority to increasing recreational fishing opportunities for the public.

SA 3540. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 2363, to protect and enhance opportunities for recreational hunting, fishing, and

shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—ILLEGAL TRAFFICKING IN FIREARMS

SEC. 301. SHORT TITLE.

This title may be cited as the ''Stop Illegal Trafficking in Firearms Act of 2014''.

SEC. 302. ANTI-STRAW PURCHASING AND FIREARMS TRAFFICKING AMENDMENTS.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

''§ 932. Straw purchasing of firearms

''(a) For purposes of this section—

''(1) the term 'crime of violence' has the meaning given that term in section 924(c)(3);

''(2) the term 'drug trafficking crime' has the meaning given that term in section 924(c)(2); and

''(3) the term 'purchase' includes the receipt of any firearm by a person who does not own the firearm—

''(A) by way of pledge or pawn as security for the payment or repayment of money; or

''(B) on consignment.

''(b) It shall be unlawful for any person (other than a licensed importer, licensed manufacturer, licensed collector, or licensed dealer) to knowingly purchase, or attempt or conspire to purchase, any firearm in or otherwise affecting interstate or foreign commerce—

''(1) from a licensed importer, licensed manufacturer, licensed collector, or licensed dealer for, on behalf of, or at the request or demand of any other person, known or unknown; or

''(2) from any person who is not a licensed importer, licensed manufacturer, licensed collector, or licensed dealer for, on behalf of, or at the request or demand of any other person, known or unknown, knowing or having reasonable cause to believe that such other person—

''(A) is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year;

''(B) is a fugitive from justice;

''(C) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

''(D) has been adjudicated as a mental defective or has been committed to any mental institution;

''(E) is an alien who—

''(i) is illegally or unlawfully in the United States; or

''(ii) except as provided in section 922(y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26));

''(F) has been discharged from the Armed Forces under dishonorable conditions;

''(G) having been a citizen of the United States, has renounced his or her citizenship;

''(H) is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child, except that this subparagraph shall only apply to a court order that—

''(i) was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate; and

''(ii)(I) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

''(II) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury;

''(I) has been convicted in any court of a misdemeanor crime of domestic violence;

''(J) intends to—

''(i) use, carry, possess, or sell or otherwise dispose of the firearm or ammunition in furtherance of a crime of violence or drug trafficking crime; or

''(ii) export the firearm or ammunition in violation of law;

''(K)(i) does not reside in any State; and

''(ii) is not a citizen of the United States; or

''(L) intends to sell or otherwise dispose of the firearm or ammunition to a person described in any of subparagraphs (A) through (K).

''(c)(1) Except as provided in paragraph (2), any person who violates subsection (b) shall be fined under this title, imprisoned for not more than 15 years, or both.

''(2) If a violation of subsection (b) is committed knowing or with reasonable cause to believe that any firearm involved will be used to commit a crime of violence, the person shall be sentenced to a term of imprisonment of not more than 25 years.

''(d) Subsection (b)(1) shall not apply to any firearm that is lawfully purchased by a person—

''(1) to be given as a bona fide gift to a recipient who provided no service or tangible thing of value to acquire the firearm, unless the person knows or has reasonable cause to believe such recipient is prohibited by Federal law from possessing, receiving, selling, shipping, transporting, transferring, or otherwise disposing of the firearm; or

''(2) to be given to a bona fide winner of an organized raffle, contest, or auction conducted in accordance with law and sponsored by a national, State, or local organization or association, unless the person knows or has reasonable cause to believe such recipient is prohibited by Federal law from possessing, purchasing, receiving, selling, shipping, transporting, transferring, or otherwise disposing of the firearm.

''§ 933. Trafficking in firearms

''(a) It shall be unlawful for any person to—

''(1) ship, transport, transfer, cause to be transported, or otherwise dispose of a firearm to another person in or otherwise affecting interstate or foreign commerce, if the transferor knows or has reasonable cause to believe that the use, carrying, or possession of a firearm by the transferee would be in violation of, or would result in a violation of, any Federal law punishable by a term of imprisonment exceeding 1 year;

''(2) receive from another person a firearm in or otherwise affecting interstate or foreign commerce, if the recipient knows or has reasonable cause to believe that such receipt would be in violation of, or would result in a violation of, any Federal law punishable by a term of imprisonment exceeding 1 year; or

''(3) attempt or conspire to commit the conduct described in paragraph (1) or (2).

''(b)(1) Except as provided in paragraph (2), any person who violates subsection (a) shall be fined under this title, imprisoned for not more than 15 years, or both.

''(2) If a violation of subsection (a) is committed by a person in concert with 5 or more other persons with respect to whom such person occupies a position of organizer, leader, supervisor, or manager, the person shall be sentenced to a term of imprisonment of not more than 25 years.

''§ 934. Forfeiture and fines

''(a)(1) Any person convicted of a violation of section 932 or 933 shall forfeit to the United States, irrespective of any provision of State law—

''(A) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation; and

''(B) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation.

''(2) The court, in imposing sentence on a person convicted of a violation of section 932 or 933, shall order, in addition to any other sentence imposed pursuant to section 932 or 933, that the person forfeit to the United States all property described in paragraph (1).

''(b) A defendant who derives profits or other proceeds from an offense under section 932 or 933 may be fined not more than the greater of—

''(1) the fine otherwise authorized by this part; and

''(2) the amount equal to twice the gross profits or other proceeds of the offense under section 932 or 933.''.

(b) TITLE III AUTHORIZATION.—Section 2516(1)(n) of title 18, United States Code, is amended by striking ''sections 922 and 924'' and inserting ''section 922, 924, 932, or 933''.

(c) RACKETEERING AMENDMENT.—Section 1961(1)(B) of title 18, United States Code, is amended by inserting ''section 932 (relating to straw purchasing), section 933 (relating to trafficking in firearms),'' before ''section 1028''.

(d) MONEY LAUNDERING AMENDMENT.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by striking ''section 924(n)'' and inserting ''section 924(n), 932, or 933''.

(e) DIRECTIVE TO SENTENCING COMMISSION.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and amend its guidelines and policy statements to ensure that persons convicted of an offense under section 932 or 933 of title 18, United States Code, and other offenses applicable to the straw purchases and trafficking of firearms are subject to increased penalties in comparison to those currently provided by the guidelines and policy statements for such straw purchasing and firearms trafficking offenses. The Commission shall also review and amend its guidelines and policy statements to reflect the intent of Congress that a person convicted of an offense under section 932 or 933 of title 18, United States Code, who is affiliated with a gang, cartel, organized crime ring, or other such enterprise should be subject to higher penalties than an otherwise unaffiliated individual.

(f) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections of chapter 44 of title 18, United States Code, is amended by adding at the end the following:

''932. Straw purchasing of firearms.
''933. Trafficking in firearms.
''934. Forfeiture and fines.''.

SEC. 303. AMENDMENTS TO SECTION 922(d).

Section 922(d) of title 18, United States Code, is amended—

(1) in paragraph (8), by striking ''or'' at the end;

(2) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(3) by striking the matter following paragraph (9) and inserting the following:

''(10) intends to sell or otherwise dispose of the firearm or ammunition to a person described in any of paragraphs (1) through (9); or

''(11) intends to sell or otherwise dispose of the firearm or ammunition in furtherance of a crime of violence or drug trafficking offense or to export the firearm or ammunition in violation of law.

This subsection shall not apply with respect to the sale or disposition of a firearm or ammunition to a licensed importer, licensed manufacturer, licensed dealer, or licensed collector who pursuant to subsection (b) of section 925 is not precluded from dealing in firearms or ammunition, or to a person who has been granted relief from disabilities pursuant to subsection (c) of section 925.''.

SEC. 304. AMENDMENTS TO SECTION 924(a).

Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking ''(d), (g),''; and

(2) by adding at the end the following:

''(8) Whoever knowingly violates subsection (d) or (g) of section 922 shall be fined under this title, imprisoned not more than 15 years, or both.''.

SEC. 305. AMENDMENTS TO SECTION 924(h).

Section 924 of title 18, United States Code, is amended by striking subsection (h) and inserting the following:

''(h)(1) Whoever knowingly receives or transfers a firearm or ammunition, or attempts or conspires to do so, knowing or having reasonable cause to believe that such firearm or ammunition will be used to commit a crime of violence (as defined in subsection (c)(3)), a drug trafficking crime (as defined in subsection (c)(2)), or a crime under the Arms Export Control Act (22 U.S.C. 2751 et seq.), the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the Foreign Narcotics Kingpin Designation Act (21 U.S.C. 1901 et seq.), or section 212(a)(2)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(C)) shall be imprisoned not more than 25 years, fined in accordance with this title, or both.

''(2) No term of imprisonment imposed on a person under this subsection shall run concurrently with any term of imprisonment imposed on the person under section 932.''.

SEC. 306. AMENDMENTS TO SECTION 924(k).

Section 924 of title 18, United States Code, is amended by striking subsection (k) and inserting the following:

''(k)(1) A person who, with intent to engage in or to promote conduct that—

''(A) is punishable under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or chapter 705 of title 46;

''(B) violates any law of a State relating to any controlled substance (as defined in section 102 of the Controlled Substances Act, 21 U.S.C. 802); or

''(C) constitutes a crime of violence (as defined in subsection (c)(3)),

smuggles or knowingly brings into the United States, a firearm or ammunition, or attempts or conspires to do so, shall be imprisoned not more than 15 years, fined under this title, or both.

''(2) A person who, with intent to engage in or to promote conduct that—

''(A) would be punishable under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or chapter 705 of title 46, if the conduct had occurred within the United States; or

''(B) would constitute a crime of violence (as defined in subsection (c)(3)) for which the person may be prosecuted in a court of the United States, if the conduct had occurred within the United States,

smuggles or knowingly takes out of the United States, a firearm or ammunition, or attempts or conspires to do so, shall be imprisoned not more than 15 years, fined under this title, or both.''.

SA 3541. Mr. COBURN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 2363, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—NATIONAL PARK SYSTEM DONOR CONTRIBUTION ACKNOWLEDGMENT

SEC. 301. SHORT TITLE.

This title may be cited as the ''National Park System Donor Contribution Acknowledgment Act of 2014''.

SEC. 302. DEFINITIONS.

In this title:

(1) DONOR ACKNOWLEDGMENT.—

(A) IN GENERAL.—The term ''donor acknowledgment'' means a statement, logo, trademark, proper legal name, or other reasonable form of credit acknowledging a contribution by a donor.

(B) EXCLUSIONS.—The term ''donor acknowledgment'' does not include—

(i) a sign or other fixture that would block or obstruct a natural or historic site or view; or

(ii) a statement or credit that promotes a political candidate or issue.

(2) ELIGIBLE STRUCTURE.—

(A) IN GENERAL.—The term ''eligible structure'' means a structure at a unit of the National Park System.

(B) INCLUSIONS.—The term ''eligible structure'' includes—

(i) a visitor center;

(ii) an administrative structure; and

(iii) a specific room or section of a visitor center or an administrative structure.

(C) EXCLUSION.—The term ''eligible structure'' does not include a commemorative work (as defined in section 8902(a) of title 40, United States Code).

(3) LANDSCAPE FEATURE.—

(A) IN GENERAL.—The term ''landscape feature'' means a component that conveys the historic character or significance of a landscape.

(B) INCLUSIONS.—The term ''landscape feature'' includes—

(i) an original component of, a replacement of an original component of, a compatible alteration to, or a new addition to the landscape;

(ii) a component that ranges in scale from a single specimen tree to—

(I) a group of plantings (such as a hedge or an allée of trees); and

(II) an entire orchard; and

(iii) a pathway, stairway, or plaza.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 303. DONOR CONTRIBUTION ACKNOWLEDGMENTS AT NON-HISTORIC STRUCTURES IN UNITS OF THE NATIONAL PARK SYSTEM.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary shall allow the display of donor acknowledgments at eligible structures, fixtures, and landscape fixtures within the National Park System.

(b) ELIGIBLE FIXTURES.—

(1) IN GENERAL.—Donor acknowledgments under subsection (a) may be affixed to benches, furnishings, bricks, and vehicles.

(2) LIMITATION.—Any donor acknowledgment under subsection (a) associated with a landscape feature, an item in a museum collection, or a historic structure shall—

(A) be freestanding; and

(B) not be affixed to the landscape feature, item, or structure.

(c) REQUIREMENTS.—Donor acknowledgments under subsection (a) shall be displayed—

(1) in a manner that is approved by the Secretary, in consultation with the Superintendent at the unit of the National Park System in which the eligible structure is located, after taking into account any input from the donating entity; and

(2) for a period of time, as determined by the Secretary, in consultation with the Superintendent at the unit of the National Park System in which the eligible structure is located, that is commensurate with the amount of the contribution and the life of the eligible structure.

(d) EXPANSION OF DONOR ACKNOWLEDGMENTS.—The Secretary may authorize the use of donor acknowledgments under this section to include donor acknowledgments on digital and media platforms, including online applications and web-based product downloads relating to a specific unit of the National Park System.

(e) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this Act, the Secretary shall implement this section.

(f) EFFECT OF SECTION.—Nothing in this section requires the Secretary to accept a donation.

SEC. 304. DONOR CONTRIBUTION ACKNOWLEDGMENTS TO BE DISPLAYED AT COMMEMORATIVE WORKS.

Section 8905 of title 40, United States Code, is amended—

(1) in subsection (b), by striking paragraph (7); and

(2) by adding at the end the following:

''(c) DONOR CONTRIBUTIONS.—

''(1) ACKNOWLEDGMENT OF DONOR CONTRIBUTION.—Except as otherwise provided in this subsection, the Secretary of the Interior or Administrator of General Services, as applicable, may permit a sponsor to acknowledge donor contributions at the commemorative work.

''(2) REQUIREMENTS.—An acknowledgment under paragraph (1) shall—

''(A) be displayed inside an ancillary structure associated with the commemorative work; and

''(B) conform to applicable National Park Service or General Services Administration guidelines for donor recognition, as applicable.

''(3) LIMITATIONS.—An acknowledgment under paragraph (1) shall—

''(A) be limited to an appropriate statement or credit recognizing the contribution;

''(B) be displayed in a form approved by the National Mall and Memorial Parks Donor Recognition Plan and General Services Administration guidelines;

''(C) be displayed for a period of up to 10 years, with the display period to be commensurate with the level of the contribution, as determined in accordance with the plan and guidelines described in subparagraph (B);

''(D) be freestanding; and

''(E) not be affixed to—

''(i) any landscape feature at the commemorative work; or

''(ii) any object in a museum collection.

''(4) COST.—The sponsor shall bear all expenses related to the display of donor acknowledgments under paragraph (1).

''(5) APPLICABILITY.—This subsection shall apply to any commemorative work dedicated after January 1, 2010.''.

SA 3542. Mr. VITTER (for himself, Mr. CRUZ, Mr. BARRASSO, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 2363, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—TERMINATION OF OPERATION CHOKE POINT

SECTION 301. TERMINATION OF OPERATION CHOKE POINT.

(a) IN GENERAL.—No agency of the Federal Government may initiate, undertake, or continue—

(1) any investigation pursuant to section 951 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833a) for the purpose of carrying out Operation Choke Point;

(2) any industry-wide investigation of nondepository lenders, payment processors, or persons licensed pursuant to chapter 44 of title 18, United States Code, that are regulated by the Federal Government or a State government to engage in lawful activities, as such investigations were described in a presentation made by the Department of Justice to the Federal Financial Institutions Examination Council on September 17, 2013; and

(3) any enforcement action under section 8(a) of the Federal Deposit Insurance Act (12 (U.S.C. 1818(a)), any cease and desist order, or any bank examination for the purpose of terminating the relationship between a bank and any legally authorized business based on the products or services provided by that business.

(b) DEFINITION OF STATE.—For purposes of this section, the term ''State'' means any State, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, or the United States Virgin Islands or any Indian tribe included on the list published by the Secretary of the Interior in accordance with section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1).

SA 3543. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2363, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—FOREST MANAGEMENT

Subtitle A—FLAME Act Amendment

SEC. 301. FINDINGS.

Congress finds that—

(1) over the past 2 decades, wildfires have increased dramatically in size and costs;

(2) existing budget mechanisms for estimating the costs of wildfire suppression are not keeping pace with the actual costs for wildfire suppression due in part to improper budget estimation methodology;

(3) the FLAME Funds have not been adequate in supplementing wildland fire management funds in cases in which wildland fire management accounts are exhausted; and

(4) the practice of transferring funds from other agency funds (including the hazardous fuels treatment accounts) by the Secretary of Agriculture or the Secretary of the Interior to pay for wildfire suppression activities, commonly known as ''fire-borrowing'', does not support the missions of the Forest Service and the Department of the Interior with respect to protecting human life and property from the threat of wildfires.

SEC. 302. FLAME ACT AMENDMENT.

(a) FUNDING.—Section 502(d) of the FLAME Act of 2009 (43 U.S.C. 1748a(d)) is amended—

(1) in paragraph (1)—

(A) by striking ''shall consist of'' and all that follows through ''appropriated to'' in subparagraph (A) and inserting ''shall consist of such amounts as are appropriated to''; and

(B) by striking subparagraph (B); and

(2) by striking paragraphs (4) and (5).

(b) USE OF FLAME FUND.—Section 502(e) of the FLAME Act of 2009 (43 U.S.C. 1748a(e)) is amended by striking paragraphs (1) and (2) and inserting the following:

''(1) IN GENERAL.—Amounts appropriated to a FLAME Fund, in accordance with section 251(b)(2)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(b)(2)(E)), shall be available to the Secretary concerned for wildfire suppression operations if the Secretary concerned issues a declaration and notifies the relevant congressional committees that a wildfire suppression event is eligible for funding from the FLAME Fund.

''(2) DECLARATION CRITERIA.—A declaration by the Secretary concerned under paragraph (1) may be issued only if—

''(A) an individual wildfire incident meets the objective indicators of an extraordinary wildfire situation, including—

''(i) a wildfire that the Secretary concerned determines has required an emergency Federal response based on the significant complexity, severity, or threat posed by the fire to human life, property, or a resource;

''(ii) a wildfire that covers 1,000 or more acres; or

''(iii) a wildfire that is within 10 miles of an urbanized area (as defined in section 134(b) of title 23, United States Code); or

''(B) the cumulative costs of wildfire suppression and Federal emergency response activities, as determined by the Secretary concerned, would exceed, within 30 days, all of the amounts otherwise previously appropriated (including amounts appropriated under an emergency designation, but excluding amounts appropriated to the FLAME Fund) to the Secretary concerned for wildfire suppression and Federal emergency response.''.

(c) TREATMENT OF ANTICIPATED AND PREDICTED ACTIVITIES.—Section 502(f) of the FLAME Act of 2009 (43 U.S.C. 1748a(f)) is amended by striking ''(e)(2)(B)(i)'' and inserting ''(e)(2)(A)''.

(d) PROHIBITION ON OTHER TRANSFERS.—Section 502 of the FLAME Act of 2009 (43 U.S.C. 1748a) is amended by striking subsection (g) and inserting the following:

''(g) PROHIBITION ON OTHER TRANSFERS.—The Secretary concerned shall not transfer funds provided for activities other than wildfire suppression operations to pay for any wildfire suppression operations.''.

(e) ACCOUNTING AND REPORTS.—Section 502(h) of the FLAME Act of 2009 (43 U.S.C. 1748a(h)) is amended by striking paragraphs (2) and (3) and inserting the following:

''(2) ESTIMATES OF WILDFIRE SUPPRESSION OPERATIONS COSTS TO IMPROVE BUDGETING AND FUNDING.—

''(A) BUDGET SUBMISSION.—Consistent with section 1105(a) of title 31, United States Code, the President shall include in each budget for the Department of Agriculture and the Department of the Interior information on estimates of appropriations for wildfire suppression costs based on an out-year forecast that uses a statistically valid regression model.

''(B) REQUIREMENTS.—The estimate of anticipated wildfire suppression costs under subparagraph (A) shall be developed using the best available—

''(i) climate, weather, and other relevant data; and

''(ii) models and other analytic tools.

''(C) INDEPENDENT REVIEW.—The methodology for developing the estimates of wildfire suppression costs under subparagraph (A) shall be subject to periodic independent review to ensure compliance with subparagraph (B).

''(D) SUBMISSION TO CONGRESS.—

''(i) IN GENERAL.—Consistent with the schedule described in clause (ii) and in accordance with subparagraphs (B) and (C), the Secretary concerned shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives an updated estimate of wildfire suppression costs for the applicable fiscal year.

''(ii) SCHEDULE.—The Secretary concerned shall submit the updated estimates under clause (i) during—

''(I) March of each year;

''(II) May of each year;

''(III) July of each year; and

''(IV) if a bill making appropriations for the Department of the Interior and the Forest Service for the following fiscal year has not been enacted by September 1, September of each year.

''(3) REPORTS.—Annually, the Secretary of Agriculture and the Secretary of the Interior shall jointly submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committees on Appropriations of the Senate and the House of Representatives a report that—

''(A) provides a summary of the amount of appropriations made available during the previous fiscal year, which specifies the source of the amounts and the commitments and obligations made under this section;

''(B) describes the amounts obligated to individual wildfire events that meet the criteria specified in subsection (e)(2); and

''(C) includes any recommendations that the Secretary of Agriculture or the Secretary of the Interior may have to improve the administrative control and oversight of the FLAME Fund.''.

SEC. 303. WILDFIRE DISASTER FUNDING AUTHORITY.

(a) IN GENERAL.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)) is amended by adding at the end the following:

''(E) FLAME WILDFIRE SUPPRESSION.—

''(i)(I) The adjustments for a fiscal year shall be in accordance with clause (ii) if—

''(aa) a bill or joint resolution making appropriations for a fiscal year is enacted that—

''(AA) specifies an amount for wildfire suppression operations in the Wildland Fire Management accounts at the Department of Agriculture or the Department of the Interior; and

''(BB) specifies a total amount to be used for the purposes described in subclause (II) in the Wildland Fire Management accounts at the Department of Agriculture or the Department of the Interior that is not less than 50 percent of the amount described in subitem (AA); and

''(bb) as of the day before the date of enactment of the bill or joint resolution all amounts in the FLAME Fund established under section 502 of the FLAME Act of 2009 (43 U.S.C. 1748a) have been expended.

''(II) The purposes described in this subclause are—

''(aa) hazardous fuels reduction projects and other activities of the Secretary of the Interior, as authorized under the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6501 et seq.) and the Tribal Forest Protection Act of 2004 (25 U.S.C. 3115a); and

''(bb) forest restoration and fuel reduction activities carried out outside of the wildland urban interface that are on condition class 3 Federal land or condition class 2 Federal land located within fire regime I, fire regime II, or fire regime III.

''(ii) If the requirements under clause (i)(I) are met for a fiscal year, the adjustments for

that fiscal year shall be the amount of additional new budget authority provided in the bill or joint resolution described in clause (i)(I)(aa) for wildfire suppression operations for that fiscal year, but shall not exceed $1,000,000,000 in additional new budget authority in each of fiscal years 2015 through 2021.

''(iii) As used in this subparagraph—

''(I) the term 'additional new budget authority' means the amount provided for a fiscal year in an appropriation Act and specified to pay for the costs of wildfire suppression operations that is equal to the greater of the amount in excess of—

''(aa) 100 percent of the average costs for wildfire suppression operations over the previous 5 years; or

''(bb) the estimated amount of anticipated wildfire suppression costs at the upper bound of the 90 percent confidence interval for that fiscal year calculated in accordance with section 502(h)(3) the FLAME Act of 2009 (43 U.S.C. 1748a(h)(3)); and

''(II) the term 'wildfire suppression operations' means the emergency and unpredictable aspects of wildland firefighting including support, response, and emergency stabilization activities; other emergency management activities; and funds necessary to repay any transfers needed for these costs.

''(iv) The average costs for wildfire suppression operations over the previous 5 years shall be calculated annually and reported in the President's Budget submission under section 1105(a) of title 31, United States Code, for each fiscal year.''.

(b) DISASTER FUNDING.—Section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)) is amended—

(1) in clause (i)—

(A) in subclause (I), by striking ''and'' and inserting ''plus'';

(B) in subclause (II), by striking the period and inserting ''; less''; and

(C) by adding the following:

''(III) the additional new budget authority provided in an appropriation Act for wildfire suppression operations pursuant to subparagraph (E) for the preceding fiscal year.''; and

(2) by adding at the end the following:

''(v) Beginning in fiscal year 2016 and in subsequent fiscal years, the calculation of the 'average funding provided for disaster relief over the previous 10 years' shall not include the additional new budget authority provided in an appropriation Act for wildfire suppression operations pursuant to subparagraph (E).''.

Subtitle B—Forest Treatment Projects

SEC. 311. DEFINITIONS.

In this subtitle:

(1) COVERED PROJECT.—The term ''covered project'' means a project that involves the management or sale of national forest material within a Forest Management Emphasis Area.

(2) FOREST MANAGEMENT EMPHASIS AREA.—

(A) IN GENERAL.—The term ''Forest Management Emphasis Area'' means National Forest System land identified as suitable for timber production in a forest management plan in effect on the date of enactment of this Act.

(B) EXCLUSIONS.—The term ''Forest Management Emphasis Area'' does not include National Forest System land—

(i) that is a component of the National Wilderness Preservation System; or

(ii) on which removal of vegetation is specifically prohibited by Federal law.

(3) NATIONAL FOREST MATERIAL.—The term ''national forest material'' means trees, portions of trees, or forest products, with an emphasis on sawtimber and pulpwood, derived from National Forest System land.

(4) NATIONAL FOREST SYSTEM.—

(A) IN GENERAL.—The term ''National Forest System'' has the meaning given the term in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

(B) EXCLUSION.—The term ''National Forest System'' does not include—

(i) the national grasslands and land utilization projects administered under title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.); or

(ii) National Forest System land east of the 100th meridian.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 312. PROJECTS IN FOREST MANAGEMENT EMPHASIS AREAS.

(a) CONDUCT OF COVERED PROJECTS WITHIN FOREST MANAGEMENT EMPHASIS AREAS.—

(1) IN GENERAL.—The Secretary may conduct covered projects in Forest Management Emphasis Areas, subject to paragraphs (2) through (4).

(2) DESIGNATING TIMBER FOR CUTTING.—

(A) IN GENERAL.—Notwithstanding section 14(g) of the National Forest Management Act of 1976 (16 U.S.C. 472a(g)), the Secretary may use designation by prescription or designation by description in conducting covered projects under this subtitle.

(B) REQUIREMENT.—The designation methods authorized under subparagraph (A) shall be used in a manner that ensures that the quantity of national forest material that is removed from the Forest Management Emphasis Area is verifiable and accountable.

(3) CONTRACTING METHODS.—

(A) IN GENERAL.—Timber sale contracts under section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a) shall be the primary means of carrying out covered projects under this subtitle.

(B) RECORD.—If the Secretary does not use a timber sale contract under section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a) to carry out a covered project under this subtitle, the Secretary shall provide a written record specifying the reasons that different contracting methods were used.

(4) ACREAGE TREATMENT REQUIREMENTS.—

(A) TOTAL ACREAGE REQUIREMENTS.—The Secretary shall identify, prioritize, and carry out covered projects in Forest Management Emphasis Areas that mechanically treat a total of at least 7,500,000 acres in the Forest Management Emphasis Areas during the 15-year period beginning on the date that is 60 days after the date on which the Secretary assigns the acreage treatment requirements under subparagraph (B).

(B) ASSIGNMENT OF ACREAGE TREATMENT REQUIREMENTS TO INDIVIDUAL UNITS OF THE NATIONAL FOREST SYSTEM.—

(i) IN GENERAL.—Not later than 60 days after the date of enactment of this Act and subject to clause (ii), the Secretary, in the sole discretion of the Secretary, shall assign the acreage treatment requirements that shall apply to the Forest Management Emphasis Areas of each unit of the National Forest System.

(ii) LIMITATION.—Notwithstanding clause (i), the acreage treatment requirements assigned to a specific unit of the National Forest System under that clause may not apply to more than 25 percent of the acreage to be treated in any unit of the National Forest System in a Forest Management Emphasis Area during the 15-year period described in subparagraph (A).

(b) ENVIRONMENTAL ANALYSIS AND PUBLIC REVIEW PROCESS FOR COVERED PROJECTS IN FOREST MANAGEMENT EMPHASIS AREAS.—

(1) ENVIRONMENTAL ASSESSMENT.—The Secretary shall comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) by completing an environmental assessment that assesses the direct environmental effects of each covered project proposed to be conducted within a Forest Management Emphasis Area, except that the Secretary shall not be required to study, develop, or describe more than the proposed agency action and 1 alternative to the proposed agency action for purposes of that Act.

(2) PUBLIC NOTICE AND COMMENT.—In preparing an environmental assessment for a covered project under paragraph (1), the Secretary shall provide—

(A) public notice of the covered project; and

(B) an opportunity for public comment on the covered project.

(3) LENGTH.—The environmental assessment prepared for a covered project under paragraph (1) shall not exceed 100 pages in length.

(4) INCLUSION OF CERTAIN DOCUMENTS.—The Secretary may incorporate, by reference, into an environmental assessment any documents that the Secretary, in the sole discretion of the Secretary, determines are relevant to the assessment of the environmental effects of the covered project.

(5) DEADLINE FOR COMPLETION.—Not later than 180 days after the date on which the Secretary has published notice of a covered project in accordance with paragraph (2), the Secretary shall complete the environmental assessment for the covered project.

(c) COMPLIANCE WITH ENDANGERED SPECIES ACT.—To comply with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the Secretary shall use qualified professionals on the staff of the Forest Service to make determinations required under section 7 of that Act (16 U.S.C. 1536).

(d) LIMITATION ON REVISION OF NATIONAL FOREST PLANS.—The Secretary may not, during a revision of a forest plan under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604), reduce the acres designated as suitable for timber harvest under a covered project, unless the Secretary determines, in consultation with the Secretary of the Interior, that the reduction in acreage is necessary to prevent a jeopardy finding under section 7(b) of the Endangered Species Act of 1973 (16 U.S.C. 1536(b)).

SEC. 313. ADMINISTRATIVE REVIEW; ARBITRATION.

(a) ADMINISTRATIVE REVIEW.—Administrative review of a covered project shall occur only in accordance with the special administrative review process established by section 105 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6515).

(b) ARBITRATION.—

(1) IN GENERAL.—There is established in the Department of Agriculture a pilot program that—

(A) authorizes the use of arbitration instead of judicial review of a decision made following the special administrative review process for a covered project described in subsection (a); and

(B) shall be the sole means to challenge a covered project in a Forest Management Emphasis Area during the 15-year period beginning on the date that is 60 days after the date on which the Secretary assigns the acreage treatment requirements under section 312(a)(4)(B).

(2) ARBITRATION PROCESS PROCEDURES.—

(A) IN GENERAL.—Any person who sought administrative review for a covered project in accordance with subsection (a) and who is not satisfied with the decision made under the administrative review process may file a demand for arbitration in accordance with—

(i) chapter 1 of title 9, United States Code; and

(ii) this paragraph.

(B) REQUIREMENTS FOR DEMAND.—A demand for arbitration under subparagraph (A) shall—

(i) be filed not more than 30 days after the date on which the special administrative review decision is issued under subsection (a); and

(ii) include a proposal containing the modifications sought to the covered project.

(C) INTERVENING PARTIES.—

(i) DEADLINE FOR SUBMISSION; REQUIREMENTS.—Any person that submitted a public comment on the covered project subject to the demand for arbitration may intervene in the arbitration under this subsection by submitting a proposal endorsing or modifying the covered project by the date that is 30 days after the date on which the demand for arbitration is filed under subparagraph (A).

(ii) MULTIPLE PARTIES.—Multiple objectors or intervening parties that meet the requirements of clause (i) may submit a joint proposal under that clause.

(D) APPOINTMENT OF ARBITRATOR.—The United States District Court in the district in which a covered project subject to a demand for arbitration filed under subparagraph (A) is located shall appoint an arbitrator to conduct the arbitration proceedings in accordance with this subsection.

(E) SELECTION OF PROPOSALS.—

(i) IN GENERAL.—An arbitrator appointed under subparagraph (D)—

(I) may not modify any of the proposals submitted under this paragraph; and

(II) shall select to be conducted—

(aa) a proposal submitted by an objector under subparagraph (B)(ii) or an intervening party under subparagraph (C); or

(bb) the covered project, as approved by the Secretary.

(ii) SELECTION CRITERIA.—An arbitrator shall select the proposal that best meets the purpose and needs described in the environmental assessment conducted under section 312(b)(1) for the covered project.

(iii) EFFECT.—The decision of an arbitrator with respect to a selection under clause (i)(II)—

(I) shall not be considered a major Federal action;

(II) shall be binding; and

(III) shall not be subject to judicial review.

(F) DEADLINE FOR COMPLETION.—Not later than 90 days after the date on which a demand for arbitration is filed under subparagraph (A), the arbitration process shall be completed.

SEC. 314. DISTRIBUTION OF REVENUE.

(a) PAYMENTS TO COUNTIES.—

(1) IN GENERAL.—Effective for fiscal year 2015 and each fiscal year thereafter until the termination date under section 316, the Secretary shall provide to each county in which a covered project is carried out annual payments in an amount equal to 25 percent of the amounts received for the applicable fiscal year by the Secretary from the covered project.

(2) LIMITATION.—A payment made under paragraph (1) shall be in addition to any payments the county receives under the payment to States required by the sixth paragraph under the heading ''FOREST SERVICE'' in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

(b) DEPOSIT IN KNUTSON-VANDENBERG AND SALVAGE SALE FUNDS.—After compliance with subsection (a), the Secretary shall use amounts received by the Secretary from covered projects during each of the fiscal years during the period described in subsection (a) to make deposits into the fund established under section 3 of the Act of June 9, 1930 (commonly known as the ''Knutson-Vandenberg Act'') (16 U.S.C. 576b) and the fund established under section 14(h) of the National Forest Management Act of 1976 (16 U.S.C. 472a(h)) in contributions equal to the amounts otherwise collected under those Acts for projects conducted on National Forest System land.

(c) DEPOSIT IN GENERAL FUND OF THE TREASURY.—After compliance with subsections (a) and (b), the Secretary shall deposit into the general fund of the Treasury any remaining amounts received by the Secretary for each of the fiscal years referred to in those subsections from covered projects.

SEC. 315. PERFORMANCE MEASURES; REPORTING.

(a) PERFORMANCE MEASURES.—The Secretary shall develop performance measures that evaluate the degree to which the Secretary is achieving—

(1) the purposes of this subtitle; and

(2) the minimum acreage requirements established under section 312(a)(4).

(b) ANNUAL REPORTS.—Annually, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives—

(1) a report that describes the results of evaluations using the performance measures developed under subsection (a); and

(2) a report that describes—

(A) the number and substance of the covered projects that are subject to administrative review and arbitration under section 313; and

(B) the outcomes of the administrative review and arbitration under that section.

SEC. 316. TERMINATION.

The authority of this subtitle terminates on the date that is 15 years after the date of enactment of this Act.

Subtitle C—Forest Stewardship Contracting

SEC. 321. CANCELLATION CEILINGS.

Section 604(d) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c(d)) is amended—

(1) by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively; and

(2) by inserting after paragraph (4) the following:

''(5) CANCELLATION CEILINGS.—

''(A) IN GENERAL.—The Chief and the Director may obligate funds to cover any potential cancellation or termination costs for an agreement or contract under subsection (b) in stages that are economically or programmatically viable.

''(B) NOTICE.—

''(i) SUBMISSION TO CONGRESS.—Not later than 30 days before entering into a multiyear agreement or contract under subsection (b) that includes a cancellation ceiling in excess of $25,000,000, but does not include proposed funding for the costs of cancelling the agreement or contract up to the cancellation ceiling established in the agreement or contract, the Chief and the Director shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a written notice that includes—

''(I)(aa) the cancellation ceiling amounts proposed for each program year in the agreement or contract; and

''(bb) the reasons for the cancellation ceiling amounts proposed under item (aa);

''(II) the extent to which the costs of contract cancellation are not included in the budget for the agreement or contract; and

''(III) a financial risk assessment of not including budgeting for the costs of agreement or contract cancellation.

''(ii) TRANSMITTAL TO OMB.—At least 14 days before the date on which the Chief and Director enter into an agreement or contract under subsection (b), the Chief and Director shall transmit to the Director of the Office of Management and Budget a copy of the written notice submitted under clause (i).''.

SA 3544. Mr. HEINRICH (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 2363, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE III—PROTECTION OF TREATIES AND RIGHTS OF INDIAN TRIBES

SEC. 3_____. PROTECTION OF TREATIES AND RIGHTS OF INDIAN TRIBES.

(a) DEFINITION OF INDIAN TRIBE.—In this section, the term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(b) EFFECT OF ACT.—Notwithstanding any other provision of law, nothing in this Act or the amendments made by this Act affects or modifies any treaty or other right of any Indian tribe, including the protection of sacred and cultural areas.

(c) DUTIES OF THE SECRETARIES WITH RESPECT TO TREATY RIGHTS.—In carrying out this Act or the amendments made by this Act, the Secretary of the Interior and the Secretary of Agriculture shall take appropriate measures to uphold treaty and other rights of Indian tribes, including protecting and preserving sacred and cultural areas of Indian tribes located on Federal public land.

SA 3545. Mr. CORNYN (for himself, Mr. VITTER, Mr. THUNE, Mr. BLUNT, and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill S. 2363, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. CONSTITUTIONAL CONCEALED CARRY RECIPROCITY ACT OF 2014.

(a) SHORT TITLE.—This section may be cited as the ''Constitutional Concealed Carry Reciprocity Act of 2014''.

(b) RECIPROCITY FOR THE CARRYING OF CERTAIN CONCEALED FIREARMS.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting after section 926C the following:

''§ 926D. Reciprocity for the carrying of certain concealed firearms

''(a) IN GENERAL.—Notwithstanding any provision of the law of any State or political subdivision thereof to the contrary—

''(1) an individual who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and who is carrying a government-issued photographic identification document and a valid license or permit which is issued pursuant to the law of a State and which permits the individual to carry a concealed firearm, may possess or carry a concealed handgun (other than a machinegun or destructive device) that has been shipped or transported in interstate or foreign commerce in any State other than the State of residence of the individual that—

''(A) has a statue that allows residents of the State to obtain licenses or permits to carry concealed firearms; or

''(B) does not prohibit the carrying of concealed firearms by residents of the State for lawful purposes; and

''(2) an individual who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and who is carrying a government-issued photographic identification document and is entitled and not prohibited from carrying a concealed firearm in the State in which the individual resides otherwise than as described in paragraph (1), may possess or carry a concealed handgun (other than a machinegun or destructive device) that has been shipped or transported in interstate or foreign commerce in any State other than the State of residence of the individual that—

''(A) has a statute that allows residents of the State to obtain licenses or permits to carry concealed firearms; or

''(B) does not prohibit the carrying of concealed firearms by residents of the State for lawful purposes.

''(b) CONDITIONS AND LIMITATIONS.—The possession or carrying of a concealed handgun in a State under this section shall be subject to the same conditions and limitations, except as to eligibility to possess or carry, imposed by or under Federal or State law or the law of a political subdivision of a State, that apply to the possession or carrying of a concealed handgun by residents of the State or political subdivision who are licensed by the State or political subdivision to do so, or not prohibited by the State from doing so.

''(c) UNRESTRICTED LICENSE OR PERMIT.—In a State that allows the issuing authority for licenses or permits to carry concealed firearms to impose restrictions on the carrying of firearms by individual holders of such licenses or permits, an individual carrying a concealed handgun under this section shall be permitted to carry a concealed handgun according to the same terms authorized by an unrestricted license of or permit issued to a resident of the State.

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preempt any provision of State law with respect to the issuance of licenses or permits to carry concealed firearms.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 44 of title 18, United States Code, is amended by inserting after the item relating to section 926C the following:

''926D. Reciprocity for the carrying of certain concealed firearms.''.

(3) SEVERABILITY.—Notwithstanding any other provision of this Act, if any provision of this section, or any amendment made by this section, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, this section and amendments made by this section and the application of such provision or amendment to other persons or circumstances shall not be affected thereby.

(4) EFFECTIVE DATE.—The amendments made by this section shall take effect 90 days after the date of enactment of this Act.

SA 3546. Mr. WALSH (for himself, Mr. UDALL of Colorado, and Mr. HEINRICH) submitted an amendment intended to be proposed to amendment SA 3456 submitted by Mr. CRUZ and intended to be proposed to the bill S. 2363, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be added, add the following:

SEC. _____. POINT OF ORDER AGAINST SELLING FEDERAL LAND IN ORDER TO REDUCE THE DEFICIT.

(a) IN GENERAL.—Except as provided in subsection (b), it shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, amendment between the houses, or conference report that sells any Federal land and uses the proceeds of the sale to reduce the Federal deficit.

(b) EXCEPTION.—Subsection (a) shall not apply to the sale of Federal land as part of a program that acquires land in the same State that is of comparable value or contains exceptional resources.

(c) SUPERMAJORITY WAIVER AND APPEAL IN THE SENATE.—

(1) WAIVER.—This section may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 3547. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title V, add the following:

SEC. 515. RIGHTS OF APPEAL IN CERTAIN ADVERSE PERSONNEL ACTIONS FOR MILITARY TECHNICIANS.

(a) RIGHTS OF GRIEVANCE, ARBITRATION, APPEAL, AND REVIEW BEYOND AG.—Section 709 of title 32, United States Code, is amended—

(1) in subsection (f)—

(A) in the matter preceding paragraph (1), by striking ''Notwithstanding any other provision of law and under'' and inserting ''Under''; and

(B) in paragraph (4), by striking ''a right of appeal'' and inserting ''subject to subsection (j), a right of appeal''; and

(2) by adding at the end the following new subsection:

''(j)(1) Notwithstanding subsection (f)(4) or any other provision of law, a technician and a labor organization that is the exclusive representative of a bargaining unit including the technician shall have the rights of grievance, arbitration, appeal, and review extending beyond the adjutant general of the jurisdiction concerned and to the Merit Systems Protection Board and thereafter to the United States Court of Appeals for the Federal Circuit, in the same manner as provided in sections 4303, 7121, and 7701–7703 of title 5, with respect to a performance-based or adverse action imposing removal, suspension for more than 14 days, furlough for 30 days or less, or reduction in pay or pay band (or comparable reduction).

''(2) This subsection does not apply to a technician who is serving under a temporary appointment or in a trial or probationary period.''.

(b) ADVERSE ACTIONS COVERED.—Subsection (g) of such section is amended by striking '', 3502, 7511, and 7512'' and inserting ''and 3502''.

(c) CONFORMING AMENDMENTS.—Section 7511(b) of title 5, United States Code, is amended—

(1) by striking paragraph (5); and

(2) by redesignating paragraphs (6) through (10) as paragraphs (5) through (9), respectively.

SA 3548. Mr. MURPHY submitted an amendment intended to be proposed by him to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1087. METHODS FOR VALIDATING CERTAIN SERVICE CONSIDERED TO BE ACTIVE SERVICE BY THE SECRETARY OF VETERANS AFFAIRS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Merchant Marine Act, 1936 established the United States Maritime Commission, and stated as a matter of policy that the United States should have a merchant marine that is ''capable of serving as a naval and military auxiliary in time of war or national emergency''.

(2) The Social Security Act Amendments of 1939 (Public Law 76–379) expanded the definition of employment to include service ''on or in connection with an American vessel under contract of service which is entered into within the United States or during the performance of which the vessel touches at a port in the United States, if the employee is employed on and in connection with such vessel''.

(3) The Joint Resolution to repeal sections 2, 3, and 6 of the Neutrality Act of 1939, and for other purposes (Public Law 77–294; 55 Stat. 764) repealed section 6 of the Neutrality Act of 1939 (related to the arming of United States vessels) and authorized the President during the national emergency to arm or permit to arm any United States vessel.

(4) On February 7, 1942, President Franklin D. Roosevelt, through Executive Order Number 9054, established the War Shipping Administration that was charged with building or purchasing, and operating the civilian shipping vessels needed for the war effort.

(5) During World War II, United States merchant mariners transported goods and materials through ''contested waters'' to the various combat theaters.

(6) At the conclusion of World War II, United States merchant mariners were responsible for transporting several million members of the United States Armed Forces back to the United States.

(7) The GI Bill Improvement Act of 1977 (Public Law 95–202) provided that the Secretary of Defense could determine that service for the Armed Forces by organized groups of civilians, or contractors, be considered ''active service'' for benefits administered by the Veterans Administration.

(8) Department of Defense Directive 1000.20 directed that the determination be made by the Secretary of the Air Force, and established the Civilian/Military Service Review Board and Advisory Panel.

(9) In 1987, three merchant mariners along with the AFL–CIO sued Edward C. Aldridge, Secretary of the Air Force, challenging the denial of their application for veterans status. In Schumacher v. Aldridge (665 F. Supp. 41 (D.D.C. 1987)), the Court determined that Secretary Aldridge had failed to ''articulate clear and intelligible criteria for the administration'' of the application approval process.

(10) During World War II, women were repeatedly denied issuance of official documentation affirming their merchant marine seamen status by the War Shipping Administration.

(11) Coast Guard Information Sheet #77 (April 1992) identifies the following acceptable forms of documentation for eligibility meeting the requirements set forth in GI Bill Improvement Act of 1977 (Public Law 95–202) and Veterans Programs Enhancement Act of 1998 (Public Law 105–368):

(A) Certificate of shipping and discharge forms.

(B) Continuous discharge books (ship's deck or engine logbooks).

(C) Company letters showing vessel names and dates of voyages.

(12) Coast Guard Commandant Order of 20 March, 1944, relieved masters of tugs, towboats, and seagoing barges of the responsibility of submitting reports of seamen shipped or discharged on forms, meaning certificates of shipping and discharge forms are not available to all eligible individuals seeking to document their eligibility.

(13) Coast Guard Information Sheet #77 (April 1992) states that ''deck logs were traditionally considered to be the property of the owners of the ships. After World War II, however, the deck and engine logbooks of vessels operated by the War Shipping Administration were turned over to that agency by the ship owners, and were destroyed during the 1970s'', meaning that continuous discharge books are not available to all eligible individuals seeking to document their eligibility.

(14) Coast Guard Information Sheet #77 (April 1992) states ''some World War II period log books do not name ports visited during the voyage due to wartime security restrictions'', meaning that company letters showing vessel names and dates of voyages are not available to all eligible individuals seeking to document their eligibility.

(b) IN GENERAL.—For the purposes of verifying that an individual performed service under honorable conditions that satisfies the requirements of a coastwise merchant seaman who is recognized pursuant to section 401 of the GI Bill Improvement Act of 1977 (Public Law 95–202; 38 U.S.C. 106 note) as having performed active duty service for the purposes described in subsection (d)(1), the Secretary of Homeland Security shall accept the following:

(1) In the case of an individual who served on a coastwise merchant vessel seeking such recognition for whom no applicable Coast Guard shipping or discharge form, ship logbook, merchant mariner's document or Z-card, or other official employment record is available, the Secretary shall provide such recognition on the basis of applicable Social Security Administration records submitted for or by the individual, together with validated testimony given by the individual or the primary next of kin of the individual that the individual performed such service during the period beginning on December 7, 1941, and ending on December 31, 1946.

(2) In the case of an individual who served on a coastwise merchant vessel seeking such recognition for whom the applicable Coast Guard shipping or discharge form, ship logbook, merchant mariner's document or Z-card, or other official employment record has been destroyed or otherwise become unavailable by reason of any action committed by a person responsible for the control and maintenance of such form, logbook, or record, the Secretary shall accept other official documentation demonstrating that the individual performed such service during period beginning on December 7, 1941, and ending on December 31, 1946.

(3) For the purpose of determining whether to recognize service allegedly performed during the period beginning on December 7, 1941, and ending on December 31, 1946, the Secretary shall recognize masters of seagoing vessels or other officers in command of similarly organized groups as agents of the United States who were authorized to document any individual for purposes of hiring the individual to perform service in the merchant marine or discharging an individual from such service.

(c) TREATMENT OF OTHER DOCUMENTATION.—Other documentation accepted by the Secretary of Homeland Security pursuant to subsection (b)(2) shall satisfy all requirements for eligibility of service during the period beginning on December 7, 1941, and ending on December 31, 1946.

(d) BENEFITS ALLOWED.—

(1) BURIAL BENEFITS ELIGIBILITY.—Service of an individual that is considered active duty pursuant to subsection (b) shall be considered as active duty service with respect to providing burial benefits under chapters 23 and 24 of title 38, United States Code, to the individual.

(2) MEDALS, RIBBONS, AND DECORATIONS.—An individual whose service is recognized as active duty pursuant to subsection (b) may be awarded an appropriate medal, ribbon, or other military decoration based on such service.

(3) STATUS OF VETERAN.—An individual whose service is recognized as active duty pursuant to subsection (b) shall be honored as a veteran but shall not be entitled by reason of such recognized service to any benefit that is not described in this subsection.

(e) DETERMINATION OF COASTWISE MERCHANT SEAMAN.—The Secretary of Homeland Security shall verify that an individual performed service under honorable conditions that satisfies the requirements of a coastwise merchant seaman pursuant to this section without regard to the sex, age, or disability of the individual during the period in which the individual served as such a coastwise merchant seaman.

(f) DEFINITION OF PRIMARY NEXT OF KIN.—In this section, the term ''primary next of kin'' with respect to an individual seeking recognition for service under this section means the closest living relative of the individual who was alive during the period of such service.

(g) EFFECTIVE DATE.—This section shall take effect 90 days after the date of the enactment of this Act.

SA 3549. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2244, to extend the termination date of the Terrorism Insurance Program established under the Terrorism Risk Insurance Act of 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, line 21, strike ''(i)''.

On page 4, between lines 21 and 22, insert the following:

(i) in clause (i)—

On page 4, line 22, strike ''(i)'' and insert ''(I)'' and move such subclause 2 ems to the right.

On page 4, line 23, strike ''(I)'' and insert ''(aa)''and move such item 2 ems to the right.

On page 5, line 1, strike ''(II)'' and insert ''(bb)'' and move such item 2 ems to the right.

On page 5, line 3, strike ''(ii)'' and insert ''(II)'' and move such subclause 2 ems to the right.

On page 5, line 4, strike ''(I)'' and insert ''(aa)'' and move such item 2 ems to the right.

On page 5, line 6, strike ''(II)'' and insert ''(bb)'' and move such item 2 ems to the right.

On page 5, line 8, strike ''(III)'' and insert ''(cc)'' and move such item 2 ems to the right.

On page 5, line 10, strike ''(iii)'' and insert ''(III)'' and move such subclause 2 ems to the right.

On page 5, line 11, strike ''(I)'' and insert ''(aa)'' and move such item 2 ems to the right.

On page 5, line 13, strike ''(II)'' and insert ''(bb)'' and move such item 2 ems to the right.

On page 5, line 14, strike the period at the end and insert ''; and''.

On page 5, between lines 14 and 15, insert the following:

(ii) by adding at the end the following:

''(iii) DEADLINE EXTENSIONS.—

''(I) IN GENERAL.—If the mandatory recoupment amount under subparagraph (A) is more than $1,000,000,000 in any given calendar year, the Secretary may extend the applicable deadline for collecting terrorism loss risk-spreading premiums under clause (i) for a period not to exceed more than 10 years after the date on which such act of terrorism occurred.

''(II) DETERMINATION.—Any determination by the Secretary to grant an extension under subclause (I) shall be based on—

''(aa) the economic conditions in the commercial marketplace, including the capitalization, profitability, and investment returns of the insurance industry and the current cycle of the insurance markets;

''(bb) the affordability of commercial insurance for small- and medium-sized businesses; and

''(cc) such other factors as the Secretary considers appropriate.

''(III) REPORT.—If the Secretary grants an extension under subclause (I), the Secretary shall promptly submit to Congress a report—

''(aa) justifying the reason for such extension; and

''(bb) detailing a plan for the collection of the required terrorism loss risk-spreading premiums.''.

SA 3550. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2244, to extend the termination date of the Terrorism Insurance Program established under the Terrorism Risk Insurance Act of 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 13, after line 22, add the following:

SEC. 8. MEMBERSHIP OF BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

(a) IN GENERAL.—The first undesignated paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 241) is amended by inserting after the second sentence the following: ''In selecting members of the Board, the President shall appoint at least 1 member with demonstrated primary experience working in or supervising community banks having less than $10,000,000,000 in total assets.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act and apply to appointments made on and after that effective date, excluding any nomination pending in the Senate on that date.

SA 3551. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 2244, to extend the termination date of the Terrorism Insurance Program established under the Terrorism Risk Insurance Act of 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 13, after line 22, insert the following:

SEC. 8. ADVISORY COMMITTEE ON RISK-SHARING MECHANISMS.

(a) FINDING; RULE OF CONSTRUCTION.—

(1) FINDING.—Congress finds that it is desirable to encourage the growth of nongovernmental, private market reinsurance

capacity for protection against losses arising from acts of terrorism.

(2) RULE OF CONSTRUCTION.—Nothing in this Act, any amendment made by this Act, or the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) shall prohibit insurers from developing risk-sharing mechanisms to voluntarily reinsure terrorism losses between and among themselves.

(b) ADVISORY COMMITTEE ON RISK-SHARING MECHANISMS.—

(1) ESTABLISHMENT.—The Secretary of the Treasury shall establish and appoint an advisory committee to be known as the ''Advisory Committee on Risk-Sharing Mechanisms'' (referred to in this subsection as the ''Advisory Committee'').

(2) DUTIES.—The Advisory Committee shall provide advice, recommendations, and encouragement with respect to the creation and development of the nongovernmental risk-sharing mechanisms described under subsection (a).

(3) MEMBERSHIP.—The Advisory Committee shall be composed of 9 members who are directors, officers, or other employees of insurers, reinsurers, or capital market participants that are participating or that desire to participate in the nongovernmental risk-sharing mechanisms described under subsection (a), and who are representative of the affected sectors of the insurance industry, including commercial property insurance, commercial casualty insurance, reinsurance, and alternative risk transfer industries.

(c) EFFECTIVE DATE.—The provisions of this section shall take effect on January 1, 2015.

SA 3552. Mr. TESTER (for himself and Mr. JOHANNS) submitted an amendment intended to be proposed by him to the bill S. 2244, to extend the termination date of the Terrorism Insurance Program established under the Terrorism Risk Insurance Act of 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE II—NATIONAL ASSOCIATION OF REGISTERED AGENTS AND BROKERS

SEC. 201. SHORT TITLE.

This title may be cited as the ''National Association of Registered Agents and Brokers Reform Act of 2014''.

SEC. 202. REESTABLISHMENT OF THE NATIONAL ASSOCIATION OF REGISTERED AGENTS AND BROKERS.

(a) IN GENERAL.—Subtitle C of title III of the Gramm-Leach-Bliley Act (15 U.S.C. 6751 et seq.) is amended to read as follows:

''Subtitle C—National Association of Registered Agents and Brokers

''SEC. 321. NATIONAL ASSOCIATION OF REGISTERED AGENTS AND BROKERS.

''(a) ESTABLISHMENT.—There is established the National Association of Registered Agents and Brokers (referred to in this subtitle as the 'Association').

''(b) STATUS.—The Association shall—

''(1) be a nonprofit corporation;

''(2) not be an agent or instrumentality of the Federal Government;

''(3) be an independent organization that may not be merged with or into any other private or public entity; and

''(4) except as otherwise provided in this subtitle, be subject to, and have all the powers conferred upon, a nonprofit corporation by the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29–301.01 et seq.) or any successor thereto.

''SEC. 322. PURPOSE.

''The purpose of the Association shall be to provide a mechanism through which licensing, continuing education, and other nonresident insurance producer qualification requirements and conditions may be adopted and applied on a multi-state basis without affecting the laws, rules, and regulations, and preserving the rights of a State, pertaining to—

''(1) licensing, continuing education, and other qualification requirements of insurance producers that are not members of the Association;

''(2) resident or nonresident insurance producer appointment requirements;

''(3) supervising and disciplining resident and nonresident insurance producers;

''(4) establishing licensing fees for resident and nonresident insurance producers so that there is no loss of insurance producer licensing revenue to the State; and

''(5) prescribing and enforcing laws and regulations regulating the conduct of resident and nonresident insurance producers.

''SEC. 323. MEMBERSHIP.

''(a) ELIGIBILITY.—

''(1) IN GENERAL.—Any insurance producer licensed in its home State shall, subject to paragraphs (2) and (4), be eligible to become a member of the Association.

''(2) INELIGIBILITY FOR SUSPENSION OR REVOCATION OF LICENSE.—Subject to paragraph (3), an insurance producer is not eligible to become a member of the Association if a State insurance regulator has suspended or revoked the insurance license of the insurance producer in that State.

''(3) RESUMPTION OF ELIGIBILITY.—Paragraph (2) shall cease to apply to any insurance producer if—

''(A) the State insurance regulator reissues or renews the license of the insurance producer in the State in which the license was suspended or revoked, or otherwise terminates or vacates the suspension or revocation; or

''(B) the suspension or revocation expires or is subsequently overturned by a court of competent jurisdiction.

''(4) CRIMINAL HISTORY RECORD CHECK REQUIRED.—

''(A) IN GENERAL.—An insurance producer who is an individual shall not be eligible to become a member of the Association unless the insurance producer has undergone a criminal history record check that complies with regulations prescribed by the Attorney General of the United States under subparagraph (K).

''(B) CRIMINAL HISTORY RECORD CHECK REQUESTED BY HOME STATE.—An insurance producer who is licensed in a State and who has undergone a criminal history record check during the 2-year period preceding the date of submission of an application to become a member of the Association, in compliance with a requirement to undergo such criminal history record check as a condition for such licensure in the State, shall be deemed to have undergone a criminal history record check for purposes of subparagraph (A).

''(C) CRIMINAL HISTORY RECORD CHECK REQUESTED BY ASSOCIATION.—

''(i) IN GENERAL.—The Association shall, upon request by an insurance producer licensed in a State, submit fingerprints or other identification information obtained from the insurance producer, and a request for a criminal history record check of the insurance producer, to the Federal Bureau of Investigation.

''(ii) PROCEDURES.—The board of directors of the Association (referred to in this subtitle as the 'Board') shall prescribe procedures for obtaining and utilizing fingerprints or other identification information and criminal history record information, including the establishment of reasonable fees to defray the expenses of the Association in connection with the performance of a criminal history record check and appropriate safeguards for maintaining confidentiality and security of the information. Any fees charged pursuant to this clause shall be separate and distinct from those charged by the Attorney General pursuant to subparagraph (I).

''(D) FORM OF REQUEST.—A submission under subparagraph (C)(i) shall include such fingerprints or other identification information as is required by the Attorney General concerning the person about whom the criminal history record check is requested, and a statement signed by the person authorizing the Attorney General to provide the information to the Association and for the Association to receive the information.

''(E) PROVISION OF INFORMATION BY ATTORNEY GENERAL.—Upon receiving a submission under subparagraph (C)(i) from the Association, the Attorney General shall search all criminal history records of the Federal Bureau of Investigation, including records of the Criminal Justice Information Services Division of the Federal Bureau of Investigation, that the Attorney General determines appropriate for criminal history records corresponding to the fingerprints or other identification information provided under subparagraph (D) and provide all criminal history record information included in the request to the Association.

''(F) LIMITATION ON PERMISSIBLE USES OF INFORMATION.—Any information provided to the Association under subparagraph (E) may only—

''(i) be used for purposes of determining compliance with membership criteria established by the Association;

''(ii) be disclosed to State insurance regulators, or Federal or State law enforcement agencies, in conformance with applicable law; or

''(iii) be disclosed, upon request, to the insurance producer to whom the criminal history record information relates.

''(G) PENALTY FOR IMPROPER USE OR DISCLOSURE.—Whoever knowingly uses any information provided under subparagraph (E) for a purpose not authorized in subparagraph (F), or discloses any such information to anyone not authorized to receive it, shall be fined not more than $50,000 per violation as determined by a court of competent jurisdiction.

''(H) RELIANCE ON INFORMATION.—Neither the Association nor any of its Board members, officers, or employees shall be liable in any action for using information provided under subparagraph (E) as permitted under subparagraph (F) in good faith and in reasonable reliance on its accuracy.

''(I) FEES.—The Attorney General may charge a reasonable fee for conducting the search and providing the information under subparagraph (E), and any such fee shall be collected and remitted by the Association to the Attorney General.

''(J) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as—

''(i) requiring a State insurance regulator to perform criminal history record checks under this section; or

''(ii) limiting any other authority that allows access to criminal history records.

''(K) REGULATIONS.—The Attorney General shall prescribe regulations to carry out this paragraph, which shall include—

''(i) appropriate protections for ensuring the confidentiality of information provided under subparagraph (E); and

''(ii) procedures providing a reasonable opportunity for an insurance producer to contest the accuracy of information regarding the insurance producer provided under subparagraph (E).

''(L) INELIGIBILITY FOR MEMBERSHIP.—

''(i) IN GENERAL.—The Association may, under reasonably consistently applied standards, deny membership to an insurance producer on the basis of criminal history record information provided under subparagraph (E), or where the insurance producer has been subject to disciplinary action, as described in paragraph (2).

''(ii) RIGHTS OF APPLICANTS DENIED MEMBERSHIP.—The Association shall notify any insurance producer who is denied membership on the basis of criminal history record information provided under subparagraph (E) of the right of the insurance producer to—

''(I) obtain a copy of all criminal history record information provided to the Association under subparagraph (E) with respect to the insurance producer; and

''(II) challenge the denial of membership based on the accuracy and completeness of the information.

''(M) DEFINITION.—For purposes of this paragraph, the term 'criminal history record check' means a national background check of criminal history records of the Federal Bureau of Investigation.

''(b) AUTHORITY TO ESTABLISH MEMBERSHIP CRITERIA.—The Association may establish membership criteria that bear a reasonable relationship to the purposes for which the Association was established.

''(c) ESTABLISHMENT OF CLASSES AND CATEGORIES OF MEMBERSHIP.—

''(1) CLASSES OF MEMBERSHIP.—The Association may establish separate classes of membership, with separate criteria, if the Association reasonably determines that performance of different duties requires different levels of education, training, experience, or other qualifications.

''(2) BUSINESS ENTITIES.—The Association shall establish a class of membership and membership criteria for business entities. A business entity that applies for membership shall be required to designate an individual Association member responsible for the compliance of the business entity with Association standards and the insurance laws, rules, and regulations of any State in which the business entity seeks to do business on the basis of Association membership.

''(3) CATEGORIES.—

''(A) SEPARATE CATEGORIES FOR INSURANCE PRODUCERS PERMITTED.—The Association may establish separate categories of membership for insurance producers and for other persons or entities within each class, based on the types of licensing categories that exist under State laws.

''(B) SEPARATE TREATMENT FOR DEPOSITORY INSTITUTIONS PROHIBITED.—No special categories of membership, and no distinct membership criteria, shall be established for members that are depository institutions or for employees, agents, or affiliates of depository institutions.

''(d) MEMBERSHIP CRITERIA.—

''(1) IN GENERAL.—The Association may establish criteria for membership which shall include standards for personal qualifications, education, training, and experience. The Association shall not establish criteria that unfairly limit the ability of a small insurance producer to become a member of the Association, including imposing discriminatory membership fees.

''(2) QUALIFICATIONS.—In establishing criteria under paragraph (1), the Association shall not adopt any qualification less protective to the public than that contained in the National Association of Insurance Commissioners (referred to in this subtitle as the 'NAIC') Producer Licensing Model Act in effect as of the date of enactment of the National Association of Registered Agents and Brokers Reform Act of 2014, and shall consider the highest levels of insurance producer qualifications established under the licensing laws of the States.

''(3) ASSISTANCE FROM STATES.—

''(A) IN GENERAL.—The Association may request a State to provide assistance in investigating and evaluating the eligibility of a prospective member for membership in the Association.

''(B) AUTHORIZATION OF INFORMATION SHARING.—A submission under subsection (a)(4)(C)(i) made by an insurance producer licensed in a State shall include a statement signed by the person about whom the assistance is requested authorizing—

''(i) the State to share information with the Association; and

''(ii) the Association to receive the information.

''(C) RULE OF CONSTRUCTION.—Subparagraph (A) shall not be construed as requiring or authorizing any State to adopt new or additional requirements concerning the licensing or evaluation of insurance producers.

''(4) DENIAL OF MEMBERSHIP.—The Association may, based on reasonably consistently applied standards, deny membership to any State-licensed insurance producer for failure to meet the membership criteria established by the Association.

''(e) EFFECT OF MEMBERSHIP.—

''(1) AUTHORITY OF ASSOCIATION MEMBERS.—Membership in the Association shall—

''(A) authorize an insurance producer to sell, solicit, or negotiate insurance in any State for which the member pays the licensing fee set by the State for any line or lines of insurance specified in the home State license of the insurance producer, and exercise all such incidental powers as shall be necessary to carry out such activities, including claims adjustments and settlement to the extent permissible under the laws of the State, risk management, employee benefits advice, retirement planning, and any other insurance-related consulting activities;

''(B) be the equivalent of a nonresident insurance producer license for purposes of authorizing the insurance producer to engage in the activities described in subparagraph (A) in any State where the member pays the licensing fee; and

''(C) be the equivalent of a nonresident insurance producer license for the purpose of subjecting an insurance producer to all laws, regulations, provisions or other action of any State concerning revocation, suspension, or other enforcement action related to the ability of a member to engage in any activity within the scope of authority granted under this subsection and to all State laws, regulations, provisions, and actions preserved under paragraph (5).

''(2) VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994.—Nothing in this subtitle shall be construed to alter, modify, or supercede any requirement established by section 1033 of title 18, United States Code.

''(3) AGENT FOR REMITTING FEES.—The Association shall act as an agent for any member for purposes of remitting licensing fees to any State pursuant to paragraph (1).

''(4) NOTIFICATION OF ACTION.—

''(A) IN GENERAL.—The Association shall notify the States (including State insurance regulators) and the NAIC when an insurance producer has satisfied the membership criteria of this section. The States (including State insurance regulators) shall have 10 business days after the date of the notification in order to provide the Association with evidence that the insurance producer does not satisfy the criteria for membership in the Association.

''(B) ONGOING DISCLOSURES REQUIRED.—On an ongoing basis, the Association shall disclose to the States (including State insurance regulators) and the NAIC a list of the States in which each member is authorized to operate. The Association shall immediately notify the States (including State insurance regulators) and the NAIC when a member is newly authorized to operate in one or more States, or is no longer authorized to operate in one or more States on the basis of Association membership.

''(5) PRESERVATION OF CONSUMER PROTECTION AND MARKET CONDUCT REGULATION.—

''(A) IN GENERAL.—No provision of this section shall be construed as altering or affecting the applicability or continuing effectiveness of any law, regulation, provision, or other action of any State, including those described in subparagraph (B), to the extent that the State law, regulation, provision, or other action is not inconsistent with the provisions of this subtitle related to market entry for nonresident insurance producers, and then only to the extent of the inconsistency.

''(B) PRESERVED REGULATIONS.—The laws, regulations, provisions, or other actions of any State referred to in subparagraph (A) include laws, regulations, provisions, or other actions that—

''(i) regulate market conduct, insurance producer conduct, or unfair trade practices;

''(ii) establish consumer protections; or

''(iii) require insurance producers to be appointed by a licensed or authorized insurer.

''(f) BIENNIAL RENEWAL.—Membership in the Association shall be renewed on a biennial basis.

''(g) CONTINUING EDUCATION.—

''(1) IN GENERAL.—The Association shall establish, as a condition of membership, continuing education requirements which shall be comparable to the continuing education requirements under the licensing laws of a majority of the States.

''(2) STATE CONTINUING EDUCATION REQUIREMENTS.—A member may not be required to satisfy continuing education requirements imposed under the laws, regulations, provisions, or actions of any State other than the home State of the member.

''(3) RECIPROCITY.—The Association shall not require a member to satisfy continuing education requirements that are equivalent to any continuing education requirements of the home State of the member that have been satisfied by the member during the applicable licensing period.

''(4) LIMITATION ON THE ASSOCIATION.—The Association shall not directly or indirectly offer any continuing education courses for insurance producers.

''(h) PROBATION, SUSPENSION AND REVOCATION.—

''(1) DISCIPLINARY ACTION.—The Association may place an insurance producer that is a member of the Association on probation or suspend or revoke the membership of the insurance producer in the Association, or assess monetary fines or penalties, as the Association determines to be appropriate, if—

''(A) the insurance producer fails to meet the applicable membership criteria or other standards established by the Association;

''(B) the insurance producer has been subject to disciplinary action pursuant to a final adjudicatory proceeding under the jurisdiction of a State insurance regulator;

''(C) an insurance license held by the insurance producer has been suspended or revoked by a State insurance regulator; or

''(D) the insurance producer has been convicted of a crime that would have resulted in the denial of membership pursuant to subsection (a)(4)(L)(i) at the time of application, and the Association has received a copy of the final disposition from a court of competent jurisdiction.

''(2) VIOLATIONS OF ASSOCIATION STANDARDS.—The Association shall have the power to investigate alleged violations of Association standards.

''(3) REPORTING.—The Association shall immediately notify the States (including State insurance regulators) and the NAIC when the membership of an insurance producer has been placed on probation or has been suspended, revoked, or otherwise terminated, or when the Association has assessed monetary fines or penalties.

''(i) CONSUMER COMPLAINTS.—

''(1) IN GENERAL.—The Association shall—

''(A) refer any complaint against a member of the Association from a consumer relating to alleged misconduct or violations of State insurance laws to the State insurance regulator where the consumer resides and, when appropriate, to any additional State insurance regulator, as determined by standards adopted by the Association; and

''(B) make any related records and information available to each State insurance regulator to whom the complaint is forwarded.

''(2) TELEPHONE AND OTHER ACCESS.—The Association shall maintain a toll-free number for purposes of this subsection and, as practicable, other alternative means of communication with consumers, such as an Internet webpage.

''(3) FINAL DISPOSITION OF INVESTIGATION.—State insurance regulators shall provide the Association with information regarding the final disposition of a complaint referred pursuant to paragraph (1)(A), but nothing shall be construed to compel a State to release confidential investigation reports or other information protected by State law to the Association.

''(j) INFORMATION SHARING.—The Association may—

''(1) share documents, materials, or other information, including confidential and privileged documents, with a State, Federal, or international governmental entity or with the NAIC or other appropriate entity referenced in paragraphs (3) and (4), provided that the recipient has the authority and agrees to maintain the confidentiality or privileged status of the document, material, or other information;

''(2) limit the sharing of information as required under this subtitle with the NAIC or any other non-governmental entity, in circumstances under which the Association determines that the sharing of such information is unnecessary to further the purposes of this subtitle;

''(3) establish a central clearinghouse, or utilize the NAIC or another appropriate entity, as determined by the Association, as a central clearinghouse, for use by the Association and the States (including State insurance regulators), through which members of the Association may disclose their intent to operate in 1 or more States and pay the licensing fees to the appropriate States; and

''(4) establish a database, or utilize the NAIC or another appropriate entity, as determined by the Association, as a database, for use by the Association and the States (including State insurance regulators) for the collection of regulatory information concerning the activities of insurance producers.

''(k) EFFECTIVE DATE.—The provisions of this section shall take effect on the later of—

''(1) the expiration of the 2-year period beginning on the date of enactment of the National Association of Registered Agents and Brokers Reform Act of 2014; and

''(2) the date of incorporation of the Association.

''SEC. 324. BOARD OF DIRECTORS.

''(a) ESTABLISHMENT.—There is established a board of directors of the Association, which shall have authority to govern and supervise all activities of the Association.

''(b) POWERS.—The Board shall have such of the powers and authority of the Association as may be specified in the bylaws of the Association.

''(c) COMPOSITION.—

''(1) IN GENERAL.—The Board shall consist of 13 members who shall be appointed by the President, by and with the advice and consent of the Senate, in accordance with the procedures established under Senate Resolution 116 of the 112th Congress, of whom—

''(A) 8 shall be State insurance commissioners appointed in the manner provided in paragraph (2), 1 of whom shall be designated by the President to serve as the chairperson of the Board until the Board elects one such State insurance commissioner Board member to serve as the chairperson of the Board;

''(B) 3 shall have demonstrated expertise and experience with property and casualty insurance producer licensing; and

''(C) 2 shall have demonstrated expertise and experience with life or health insurance producer licensing.

''(2) STATE INSURANCE REGULATOR REPRESENTATIVES.—

''(A) RECOMMENDATIONS.—Before making any appointments pursuant to paragraph (1)(A), the President shall request a list of recommended candidates from the States through the NAIC, which shall not be binding on the President. If the NAIC fails to submit a list of recommendations not later than 15 business days after the date of the request, the President may make the requisite appointments without considering the views of the NAIC.

''(B) POLITICAL AFFILIATION.—Not more than 4 Board members appointed under paragraph (1)(A) shall belong to the same political party.

''(C) FORMER STATE INSURANCE COMMISSIONERS.—

''(i) IN GENERAL.—If, after offering each currently serving State insurance commissioner an appointment to the Board, fewer than 8 State insurance commissioners have accepted appointment to the Board, the President may appoint the remaining State insurance commissioner Board members, as required under paragraph (1)(A), of the appropriate political party as required under subparagraph (B), from among individuals who are former State insurance commissioners.

''(ii) LIMITATION.—A former State insurance commissioner appointed as described in clause (i) may not be employed by or have any present direct or indirect financial interest in any insurer, insurance producer, or other entity in the insurance industry, other than direct or indirect ownership of, or beneficial interest in, an insurance policy or annuity contract written or sold by an insurer.

''(D) SERVICE THROUGH TERM.—If a Board member appointed under paragraph (1)(A) ceases to be a State insurance commissioner during the term of the Board member, the Board member shall cease to be a Board member.

''(3) PRIVATE SECTOR REPRESENTATIVES.—In making any appointment pursuant to subparagraph (B) or (C) of paragraph (1), the President may seek recommendations for candidates from groups representing the category of individuals described, which shall not be binding on the President.

''(4) STATE INSURANCE COMMISSIONER DEFINED.—For purposes of this subsection, the term 'State insurance commissioner' means a person who serves in the position in State government, or on the board, commission, or other body that is the primary insurance regulatory authority for the State.

''(d) TERMS.—

''(1) IN GENERAL.—Except as provided under paragraph (2), the term of service for each Board member shall be 2 years.

''(2) EXCEPTIONS.—

''(A) 1-YEAR TERMS.—The term of service shall be 1 year, as designated by the President at the time of the nomination of the subject Board members for—

''(i) 4 of the State insurance commissioner Board members initially appointed under paragraph (1)(A), of whom not more than 2 shall belong to the same political party;

''(ii) 1 of the Board members initially appointed under paragraph (1)(B); and

''(iii) 1 of the Board members initially appointed under paragraph (1)(C).

''(B) EXPIRATION OF TERM.—A Board member may continue to serve after the expiration of the term to which the Board member was appointed for the earlier of 2 years or until a successor is appointed.

''(C) MID-TERM APPOINTMENTS.—A Board member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of the Board member was appointed shall be appointed only for the remainder of that term.

''(3) SUCCESSIVE TERMS.—Board members may be reappointed to successive terms.

''(e) INITIAL APPOINTMENTS.—The appointment of initial Board members shall be made no later than 90 days after the date of enactment of the National Association of Registered Agents and Brokers Reform Act of 2014.

''(f) MEETINGS.—

''(1) IN GENERAL.—The Board shall meet—

''(A) at the call of the chairperson;

''(B) as requested in writing to the chairperson by not fewer than 5 Board members; or

''(C) as otherwise provided by the bylaws of the Association.

''(2) QUORUM REQUIRED.—A majority of all Board members shall constitute a quorum.

''(3) VOTING.—Decisions of the Board shall require the approval of a majority of all Board members present at a meeting, a quorum being present.

''(4) INITIAL MEETING.—The Board shall hold its first meeting not later than 45 days after the date on which all initial Board members have been appointed.

''(g) RESTRICTION ON CONFIDENTIAL INFORMATION.—Board members appointed pursuant to subparagraphs (B) and (C) of subsection (c)(1) shall not have access to confidential information received by the Association in connection with complaints, investigations, or disciplinary proceedings involving insurance producers.

''(h) ETHICS AND CONFLICTS OF INTEREST.—The Board shall issue and enforce an ethical conduct code to address permissible and prohibited activities of Board members and Association officers, employees, agents, or consultants. The code shall, at a minimum, include provisions that prohibit any Board member or Association officer, employee, agent or consultant from—

''(1) engaging in unethical conduct in the course of performing Association duties;

''(2) participating in the making or influencing the making of any Association decision, the outcome of which the Board member, officer, employee, agent, or consultant knows or had reason to know would have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the person or a member of the immediate family of the person;

''(3) accepting any gift from any person or entity other than the Association that is given because of the position held by the person in the Association;

''(4) making political contributions to any person or entity on behalf of the Association; and

''(5) lobbying or paying a person to lobby on behalf of the Association.

''(i) COMPENSATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), no Board member may receive

any compensation from the Association or any other person or entity on account of Board membership.

''(2) TRAVEL EXPENSES AND PER DIEM.—Board members may be reimbursed only by the Association for travel expenses, including per diem in lieu of subsistence, at rates consistent with rates authorized for employees of Federal agencies under subchapter I of chapter 57 of title 5, United States Code, while away from home or regular places of business in performance of services for the Association.

''SEC. 325. BYLAWS, STANDARDS, AND DISCIPLINARY ACTIONS.

''(a) ADOPTION AND AMENDMENT OF BYLAWS AND STANDARDS.—

''(1) PROCEDURES.—The Association shall adopt procedures for the adoption of bylaws and standards that are similar to procedures under subchapter II of chapter 5 of title 5, United States Code (commonly known as the 'Administrative Procedure Act').

''(2) COPY REQUIRED TO BE FILED.—The Board shall submit to the President, through the Department of the Treasury, and the States (including State insurance regulators), and shall publish on the website of the Association, all proposed bylaws and standards of the Association, or any proposed amendment to the bylaws or standards of the Association, accompanied by a concise general statement of the basis and purpose of such proposal.

''(3) EFFECTIVE DATE.—Any proposed bylaw or standard of the Association, and any proposed amendment to the bylaws or standards of the Association, shall take effect, after notice under paragraph (2) and opportunity for public comment, on such date as the Association may designate, unless suspended under section 329(c).

''(4) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to subject the Board or the Association to the requirements of subchapter II of chapter 5 of title 5, United States Code (commonly known as the 'Administrative Procedure Act').

''(b) DISCIPLINARY ACTION BY THE ASSOCIATION.—

''(1) SPECIFICATION OF CHARGES.—In any proceeding to determine whether membership shall be denied, suspended, revoked, or not renewed, or to determine whether a member of the Association should be placed on probation (referred to in this section as a 'disciplinary action') or whether to assess fines or monetary penalties, the Association shall bring specific charges, notify the member of the charges, give the member an opportunity to defend against the charges, and keep a record.

''(2) SUPPORTING STATEMENT.—A determination to take disciplinary action shall be supported by a statement setting forth—

''(A) any act or practice in which the member has been found to have been engaged;

''(B) the specific provision of this subtitle or standard of the Association that any such act or practice is deemed to violate; and

''(C) the sanction imposed and the reason for the sanction.

''(3) INELIGIBILITY OF PRIVATE SECTOR REPRESENTATIVES.—Board members appointed pursuant to section 324(c)(3) may not—

''(A) participate in any disciplinary action or be counted toward establishing a quorum during a disciplinary action; and

''(B) have access to confidential information concerning any disciplinary action.

''SEC. 326. POWERS.

''In addition to all the powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act, the Association shall have the power to—

''(1) establish and collect such membership fees as the Association finds necessary to impose to cover the costs of its operations;

''(2) adopt, amend, and repeal bylaws, procedures, or standards governing the conduct of Association business and performance of its duties;

''(3) establish procedures for providing notice and opportunity for comment pursuant to section 325(a);

''(4) enter into and perform such agreements as necessary to carry out the duties of the Association;

''(5) hire employees, professionals, or specialists, and elect or appoint officers, and to fix their compensation, define their duties and give them appropriate authority to carry out the purposes of this subtitle, and determine their qualification;

''(6) establish personnel policies of the Association and programs relating to, among other things, conflicts of interest, rates of compensation, where applicable, and qualifications of personnel;

''(7) borrow money; and

''(8) secure funding for such amounts as the Association determines to be necessary and appropriate to organize and begin operations of the Association, which shall be treated as loans to be repaid by the Association with interest at market rate.

''SEC. 327. REPORT BY THE ASSOCIATION.

''(a) IN GENERAL.—As soon as practicable after the close of each fiscal year, the Association shall submit to the President, through the Department of the Treasury, and the States (including State insurance regulators), and shall publish on the website of the Association, a written report regarding the conduct of its business, and the exercise of the other rights and powers granted by this subtitle, during such fiscal year.

''(b) FINANCIAL STATEMENTS.—Each report submitted under subsection (a) with respect to any fiscal year shall include audited financial statements setting forth the financial position of the Association at the end of such fiscal year and the results of its operations (including the source and application of its funds) for such fiscal year.

''SEC. 328. LIABILITY OF THE ASSOCIATION AND THE BOARD MEMBERS, OFFICERS, AND EMPLOYEES OF THE ASSOCIATION.

''(a) IN GENERAL.—The Association shall not be deemed to be an insurer or insurance producer within the meaning of any State law, rule, regulation, or order regulating or taxing insurers, insurance producers, or other entities engaged in the business of insurance, including provisions imposing premium taxes, regulating insurer solvency or financial condition, establishing guaranty funds and levying assessments, or requiring claims settlement practices.

''(b) LIABILITY OF BOARD MEMBERS, OFFICERS, AND EMPLOYEES.—No Board member, officer, or employee of the Association shall be personally liable to any person for any action taken or omitted in good faith in any matter within the scope of their responsibilities in connection with the Association.

''SEC. 329. PRESIDENTIAL OVERSIGHT.

''(a) REMOVAL OF BOARD.—If the President determines that the Association is acting in a manner contrary to the interests of the public or the purposes of this subtitle or has failed to perform its duties under this subtitle, the President may remove the entire existing Board for the remainder of the term to which the Board members were appointed and appoint, in accordance with section 324 and with the advice and consent of the Senate, in accordance with the procedures established under Senate Resolution 116 of the 112th Congress, new Board members to fill the vacancies on the Board for the remainder of the terms.

''(b) REMOVAL OF BOARD MEMBER.—The President may remove a Board member only for neglect of duty or malfeasance in office.

''(c) SUSPENSION OF BYLAWS AND STANDARDS AND PROHIBITION OF ACTIONS.—Following notice to the Board, the President, or a person designated by the President for such purpose, may suspend the effectiveness of any bylaw or standard, or prohibit any action, of the Association that the President or the designee determines is contrary to the purposes of this subtitle.

''SEC. 330. RELATIONSHIP TO STATE LAW.

''(a) PREEMPTION OF STATE LAWS.—State laws, regulations, provisions, or other actions purporting to regulate insurance producers shall be preempted to the extent provided in subsection (b).

''(b) PROHIBITED ACTIONS.—

''(1) IN GENERAL.—No State shall—

''(A) impede the activities of, take any action against, or apply any provision of law or regulation arbitrarily or discriminatorily to, any insurance producer because that insurance producer or any affiliate plans to become, has applied to become, or is a member of the Association;

''(B) impose any requirement upon a member of the Association that it pay fees different from those required to be paid to that State were it not a member of the Association; or

''(C) impose any continuing education requirements on any nonresident insurance producer that is a member of the Association.

''(2) STATES OTHER THAN A HOME STATE.—No State, other than the home State of a member of the Association, shall—

''(A) impose any licensing, personal or corporate qualifications, education, training, experience, residency, continuing education, or bonding requirement upon a member of the Association that is different from the criteria for membership in the Association or renewal of such membership;

''(B) impose any requirement upon a member of the Association that it be licensed, registered, or otherwise qualified to do business or remain in good standing in the State, including any requirement that the insurance producer register as a foreign company with the secretary of state or equivalent State official;

''(C) require that a member of the Association submit to a criminal history record check as a condition of doing business in the State; or

''(D) impose any licensing, registration, or appointment requirements upon a member of the Association, or require a member of the Association to be authorized to operate as an insurance producer, in order to sell, solicit, or negotiate insurance for commercial property and casualty risks to an insured with risks located in more than one State, if the member is licensed or otherwise authorized to operate in the State where the insured maintains its principal place of business and the contract of insurance insures risks located in that State.

''(3) PRESERVATION OF STATE DISCIPLINARY AUTHORITY.—Nothing in this section may be construed to prohibit a State from investigating and taking appropriate disciplinary action, including suspension or revocation of authority of an insurance producer to do business in a State, in accordance with State law and that is not inconsistent with the provisions of this section, against a member of the Association as a result of a complaint or for any alleged activity, regardless of whether the activity occurred before or after the insurance producer commenced doing business in the State pursuant to Association membership.

''SEC. 331. COORDINATION WITH FINANCIAL INDUSTRY REGULATORY AUTHORITY.

''The Association shall coordinate with the Financial Industry Regulatory Authority in

order to ease any administrative burdens that fall on members of the Association that are subject to regulation by the Financial Industry Regulatory Authority, consistent with the requirements of this subtitle and the Federal securities laws .

''SEC. 332. RIGHT OF ACTION.

''(a) RIGHT OF ACTION.—Any person aggrieved by a decision or action of the Association may, after reasonably exhausting available avenues for resolution within the Association, commence a civil action in an appropriate United States district court, and obtain all appropriate relief.

''(b) ASSOCIATION INTERPRETATIONS.—In any action under subsection (a), the court shall give appropriate weight to the interpretation of the Association of its bylaws and standards and this subtitle.

''SEC. 333. FEDERAL FUNDING PROHIBITED.

''The Association may not receive, accept, or borrow any amounts from the Federal Government to pay for, or reimburse, the Association for, the costs of establishing or operating the Association.

''SEC. 334. DEFINITIONS.

''For purposes of this subtitle, the following definitions shall apply:

''(1) BUSINESS ENTITY.—The term 'business entity' means a corporation, association, partnership, limited liability company, limited liability partnership, or other legal entity.

''(2) DEPOSITORY INSTITUTION.—The term 'depository institution' has the meaning as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

''(3) HOME STATE.—The term 'home State' means the State in which the insurance producer maintains its principal place of residence or business and is licensed to act as an insurance producer.

''(4) INSURANCE.—The term 'insurance' means any product, other than title insurance or bail bonds, defined or regulated as insurance by the appropriate State insurance regulatory authority.

''(5) INSURANCE PRODUCER.—The term 'insurance producer' means any insurance agent or broker, excess or surplus lines broker or agent, insurance consultant, limited insurance representative, and any other individual or entity that sells, solicits, or negotiates policies of insurance or offers advice, counsel, opinions or services related to insurance.

''(6) INSURER.—The term 'insurer' has the meaning as in section 313(e)(2)(B) of title 31, United States Code.

''(7) PRINCIPAL PLACE OF BUSINESS.—The term 'principal place of business' means the State in which an insurance producer maintains the headquarters of the insurance producer and, in the case of a business entity, where high-level officers of the entity direct, control, and coordinate the business activities of the business entity.

''(8) PRINCIPAL PLACE OF RESIDENCE.—The term 'principal place of residence' means the State in which an insurance producer resides for the greatest number of days during a calendar year.

''(9) STATE.—The term 'State' includes any State, the District of Columbia, any territory of the United States, and Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and the Northern Mariana Islands.

''(10) STATE LAW.—

''(A) IN GENERAL.—The term 'State law' includes all laws, decisions, rules, regulations, or other State action having the effect of law, of any State.

''(B) LAWS APPLICABLE IN THE DISTRICT OF COLUMBIA.—A law of the United States applicable only to or within the District of Columbia shall be treated as a State law rather than a law of the United States.

''SEC. 335. SUNSET.

''The provisions of this subtitle, and any program or authorities established or granted therein or derived therefrom, shall terminate on the date that is 2 years after the date on which the Association approves its first member pursuant to section 323.''.

(b) TECHNICAL AMENDMENT.—The table of contents for the Gramm-Leach-Bliley Act is amended by striking the items relating to subtitle C of title III and inserting the following new items:

''Subtitle C—National Association of Registered Agents and Brokers

''Sec. 321. National Association of Registered Agents and Brokers.
''Sec. 322. Purpose.
''Sec. 323. Membership.
''Sec. 324. Board of directors.
''Sec. 325. Bylaws, standards, and disciplinary actions.
''Sec. 326. Powers.
''Sec. 327. Report by the Association.
''Sec. 328. Liability of the Association and the Board members, officers, and employees of the Association.
''Sec. 329. Presidential oversight.
''Sec. 330. Relationship to State law.
''Sec. 331. Coordination with Financial Industry Regulatory Authority.
''Sec. 332. Right of action.
''Sec. 333. Federal funding prohibited.
''Sec. 334. Definitions.
''Sec. 335. Sunset.''.

SA 3553. Mr. REID (for Mr. MENENDEZ) proposed an amendment to the resolution S. Res. 412, reaffirming the strong support of the United States Government for freedom of navigation and other internationally lawful uses of sea and airspace in the Asia-Pacific region, and for the peaceful diplomatic resolution of outstanding territorial and maritime claims and disputes; as follows:

On page 13, line 24, strike ''HD–981'' and insert ''Hai Yang Shi You 981 (HD-981)''.

SA 3554. Mr. REID (for Mr. PAUL) proposed an amendment to the resolution S. Res. 412, reaffirming the strong support of the United States Government for freedom of navigation and other internationally lawful uses of sea and airspace in the Asia-Pacific region, and for the peaceful diplomatic resolution of outstanding territorial and maritime claims and disputes; as follows:

At the end, add the following:

SEC. 3. RULE OF CONSTRUCTION.

Nothing in this resolution shall be construed as a declaration of war or authorization to use force.

SA 3555. Mr. REID (for Mr. MENENDEZ) proposed an amendment to the resolution S. Res. 412, reaffirming the strong support of the United States Government for freedom of navigation and other internationally lawful uses of sea and airspace in the Asia-Pacific region, and for the peaceful diplomatic resolution of outstanding territorial and maritime claims and disputes; as follows:

Beginning in the thirteenth whereas clause of the preamble, strike ''Organization's'' and all that follows through ''Law of the Sea'' in the forty-seventh whereas clause and insert the following: ''Organization and thereby are a departure from accepted practice;

Whereas the Chicago Convention of the International Civil Aviation Organization distinguishes between civilian aircraft and state aircraft and provides for the specific obligations of state parties, consistent with customary law, to ''refrain from resorting to the use of weapons against civil aircraft in flight and . . . in case of interception, the lives of persons on board and the safety of aircraft must not be endangered'';

Whereas international civil aviation is regulated by international agreements, including standards and regulations set by ICAO for aviation safety, security, efficiency and regularity, as well as for aviation environmental protection;

Whereas, in accordance with the norm of airborne innocent passage, the United States does not recognize the right of a coastal nation to apply its ADIZ procedures to foreign state aircraft not intending to enter national airspace nor does the United States apply its ADIZ procedures to foreign state aircraft not intending to enter United States airspace;

Whereas the United States Government expressed profound concerns with China's unilateral, provocative, dangerous, and destabilizing declaration of such a zone, including the potential for misunderstandings and miscalculations by aircraft operating lawfully in international airspace;

Whereas the People's Republic of China's declaration of an ADIZ in the East China Sea will not alter how the United States Government conducts operations in the region or the unwavering United States commitment to peace, security and stability in the Asia-Pacific region;

Whereas the Government of Japan expressed deep concern about the People's Republic of China's declaration of such a zone, regarding it as an effort to unduly infringe upon the freedom of flight in international airspace and to change the status quo that could escalate tensions and potentially cause unintentional consequences in the East China Sea;

Whereas the Government of the Republic of Korea has expressed concern over China's declared ADIZ, and on December 9, 2013, announced an adjustment to its longstanding Air Defense Identification Zone, which does not encompass territory administered by another country, and did so only after undertaking a deliberate process of consultations with the United States, Japan, and China;

Whereas the Government of the Philippines has stressed that China's declared ADIZ seeks to transfer an entire air zone into Chinese domestic airspace, infringes on freedom of flight in international airspace, and compromises the safety of civil aviation and the national security of affected states, and has called on China to ensure that its actions do not jeopardize regional security and stability;

Whereas, on November 26, 2013, the Government of Australia made clear in a statement its opposition to any coercive or unilateral actions to change the status quo in the East China Sea;

Whereas, on March 10, 2014, the United States Government and the Government of Japan jointly submitted a letter to the ICAO Secretariat regarding the issue of freedom of overflight by civil aircraft in international airspace and the effective management of civil air traffic within allocated Flight Information Regions (FIR);

Whereas Indonesia Foreign Minister Marty Natalegawa, in a hearing before the Committee on Defense and Foreign Affairs on February 18, 2014, stated, ''We have firmly told China we will not accept a similar [Air Defense Identification] Zone if it is adopted in the South China Sea. And the signal we

have received thus far is, China does not plan to adopt a similar Zone in the South China Sea.'';

Whereas over half the world's merchant tonnage flows through the South China Sea, and over 15,000,000 barrels of oil per day transit the Strait of Malacca, fueling economic growth and prosperity throughout the Asia-Pacific region;

Whereas the increasing frequency and assertiveness of patrols and competing regulations over disputed territory and maritime areas and airspace in the South China Sea and the East China Sea are raising tensions and increasing the risk of confrontation;

Whereas the Association of Southeast Asian Nations (ASEAN) has promoted multilateral talks on disputed areas without settling the issue of sovereignty, and in 2002 joined with China in signing a Declaration on the Conduct of Parties in the South China Sea that committed all parties to those territorial disputes to ''reaffirm their respect for and commitment to the freedom of navigation in and over flight above the South China Sea as provided for by the universally recognized principles of international law'' and to ''resolve their territorial and jurisdictional disputes by peaceful means, without resorting to the threat or use of force'';

Whereas ASEAN and China committed in 2002 to develop an effective Code of Conduct when they adopted the Declaration on the Conduct of Parties in the South China Sea, yet negotiations are irregular and little progress has been made;

Whereas, in recent years, there have been numerous dangerous and destabilizing incidents in waters near the coasts of the Philippines, China, Malaysia, and Vietnam;

Whereas the United States Government is deeply concerned about unilateral actions by any claimant seeking to change the status quo through the use of coercion, intimidation, or military force, including the continued restrictions on access to Scarborough Reef and pressure on long-standing Philippine presence at the Second Thomas Shoal by the People's Republic of China; actions by any state to prevent any other state from exercising its sovereign rights to the resources of the exclusive economic zone (EEZ) and continental shelf by making claims to those areas that have no support in international law; declarations of administrative and military districts in contested areas in the South China Sea; and the imposition of new fishing regulations covering disputed areas, which have raised tensions in the region;

Whereas international law is important to safeguard the rights and freedoms of all states in the Asia-Pacific region, and the lack of clarity in accordance with international law by claimants with regard to their South China Sea claims can create uncertainty, insecurity, and instability;

Whereas the United States Government opposes the use of intimidation, coercion, or force to assert a territorial claim in the South China Sea;

Whereas claims in the South China Sea must accord with international law, and those that are not derived from land features are fundamentally flawed;

Whereas ASEAN issued Six-Point Principles on the South China Sea on July 20, 2012, whereby ASEAN's Foreign Ministers reiterated and reaffirmed ''the commitment of ASEAN Member States to: . . . 1. the full implementation of the Declaration on the Conduct of Parties in the South China Sea (2002); . . . 2. the Guidelines for the Implementation of the Declaration on the Conduct of Parties in the South China Sea (2011); . . . 3. the early conclusion of a Regional Code of Conduct in the South China Sea; . . . 4. the full respect of the universally recognized principles of International Law, including the 1982 United Nations Convention on the Law of the Sea (UNCLOS); . . . 5. the continued exercise of self-restraint and non-use of force by all parties; and . . . 6. the peaceful resolution of disputes, in accordance with universally recognized principles of International Law, including the 1982 United Nations Convention on the Law of the Sea (UNCLOS).'';

Whereas, in 2013, the Republic of the Philippines properly exercised its rights to peaceful settlement mechanisms with the filing of arbitration case under Article 287 and Annex VII of the Convention on the Law of the Sea in order to achieve a peaceful and durable solution to the dispute, and the United States hopes that all parties in any dispute ultimately abide by the rulings of internationally recognized dispute-settlement bodies;

Whereas China and Japan are the world's second and third largest economies, and have a shared interest in preserving stable maritime domains to continue to support economic growth;

Whereas there has been an unprecedented increase in dangerous activities by Chinese maritime agencies in areas near the Senkaku islands, including between 6 and 25 ships of the Government of China intruding into the Japanese territorial sea each month since September 2012, between 26 and 124 ships entering the ''contiguous zone'' in the same time period, and 9 ships intruding into the territorial sea and 33 ships entering in the contiguous zone in February 2014;

Whereas, although the United States Government does not take a position on the ultimate sovereignty of the Senkaku Islands, the United States Government acknowledges that they are under the administration of Japan and opposes any unilateral actions that would seek to undermine such administration;

Whereas the United States Senate has previously affirmed that the unilateral actions of a third party will not affect the United States acknowledgment of the administration of Japan over the Senkaku Islands;

Whereas the United States remains committed under the Treaty of Mutual Cooperation and Security to respond to any armed attack in the territories under the administration of Japan, has urged all parties to take steps to prevent incidents and manage disagreements through peaceful means, and commends the Government of Japan for its restrained approach in this regard;

Whereas both the United States and the People's Republic of China are parties to and are obligated to observe the rules of the Convention on the International Regulations for Preventing Collisions at Sea, done at London October 12, 1972 (COLREGs);

Whereas, on December 5, 2013, the USS Cowpens was lawfully operating in international waters in the South China Sea when a People's Liberation Army Navy vessel reportedly crossed its bow at a distance of less than 500 yards and stopped in the water, forcing the USS Cowpens to take evasive action to avoid a collision;

Whereas the reported actions taken by the People's Liberation Army Navy vessel in the USS Cowpens' incident, as publicly reported, appear contrary to the international legal obligations of the People's Republic of China under COLREGs;

Whereas, on May 1, 2014, the People's Republic of China's state-owned energy company, CNOOC, placed its deepwater semi-submersible drilling rig Hai Yang Shi You 981 (HD–981), accompanied by over 25 Chinese ships, in Block 143, 120 nautical miles off Vietnam's coastline;

Whereas, from May 1 to May 9, 2014, the number of Chinese vessels escorting Hai Yang Shi You 981 (HD-981) increased to more than 80, including seven military ships, which aggressively patrolled and intimidated Vietnamese Coast Guard ships in violation of COLREGS, reportedly intentionally rammed multiple Vietnamese vessels, and used helicopters and water cannons to obstruct others;

Whereas, on May 5, 2014, vessels from the Maritime Safety Administration of China (MSAC) established an exclusion zone with a radius of three nautical miles around Hai Yang Shi You 981 (HD-981), which undermines maritime safety in the area and is in violation of universally recognized principles of international law;

Whereas China's territorial claims and associated maritime actions in support of the drilling activity that Hai Yang Shi You 981 (HD-981) commenced on May 1, 2014, have not been clarified under international law

SA 3556. Mr. REID (for Mr. BLUNT) proposed an amendment to the bill S. 653, to provide for the establishment of the Special Envoy to Promote Religious Freedom of Religious Minorities in the Near East and South Central Asia; as follows:

On page 1, line 5, strike ''2013'' and insert ''2014''.

On page 5, strike line 6 and insert the following:

SEC. 6. SUNSET.

This Act shall cease to be effective beginning on October 1, 2019.

SEC. 7. FUNDING.

On page 5, line 9, strike ''2013 through 2017'' and insert ''2015 through 2019''.

NOTICE OF HEARING

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet on July 17, 2014, at 10 a.m., in room SD–430 of the Dirksen Senate Office Building, to conduct a hearing entitled ''More Than 1,000 Preventable Deaths a Day Is Too Many: The Need to Improve Patient Safety.''

For further information regarding this meeting, please contact Bill Gendel of the committee staff on (202) 224–5480.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mrs. HAGAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on July 10, 2013, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mrs. HAGAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on July 10, 2013, at 2:30 p.m., in room SD–215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The Preserving American's Transit and Highways Act.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. HAGAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on July 10, 2014, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. HAGAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on July 10, 2014, at 9:30 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mrs. HAGAN. Mr. President, I ask unanimous consent that the Committee on Intelligence be authorized to meet during the session of the Senate on July 10, 2014, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ASSESSING PROGRESS IN HAITI ACT OF 2014

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 447.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 1104) to measure the progress of recovery and development efforts in Haiti following the earthquake of January 12, 2010, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Assessing Progress in Haiti Act of 2014''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) On January 12, 2010, a massive earthquake struck near the Haitian capital city of Port-au-Prince, leaving an estimated 220,000 people dead, including 103 United States citizens, 101 United Nations personnel, and nearly 18 percent of the nation's civil service, as well as 300,000 injured, 115,000 homes destroyed, and 1,500,000 people displaced.

(2) According to the Post Disaster Needs Assessment conducted by the Government of Haiti, with technical assistance from the United Nations, the World Bank, the Inter-American Development Bank, the Economic Commission for Latin America and the Caribbean, and the European Commission, an estimated 15 percent of the population was directly affected by the disaster and related damages and economic losses totaled $7,804,000,000.

(3) Even before the earthquake, Haiti had some of the lowest socioeconomic indicators and the second highest rate of income disparity in the world, conditions that have further complicated post-earthquake recovery efforts and, according to the World Bank, have significantly reduced the prospects of addressing poverty reduction through economic growth.

(4) According to the World Food Programme, more than 6,700,000 people in Haiti (out of a population of about 10,000,000) are considered food insecure.

(5) In October 2010, an unprecedented outbreak of cholera in Haiti resulted in over 500,000 reported cases and over 8,000 deaths to date, further straining the capacity of Haiti's public health sector and increasing the urgency of resettlement and water, sanitation, and hygiene (WASH) efforts.

(6) The international community, led by the United States and the United Nations, mounted an unprecedented humanitarian response in Haiti, with donors pledging approximately $10,400,000,000 for humanitarian relief and recovery efforts, including debt relief, supplemented by $3,100,000,000 in private charitable contributions, of which approximately $6,400,000,000 has been disbursed and an additional $3,800,000,000 has been committed as of September 30, 2013.

(7) The emergency response of the men and women of the United States Government, led by the United States Agency for International Development (USAID) and the United States Southern Command, as well as of cities, towns, individuals, businesses, and philanthropic organizations across the United States, was particularly swift and resolute.

(8) Since 2010, a total of $1,300,000,000 in United States assistance has been allocated for humanitarian relief and $2,300,000,000 has been allocated for recovery, reconstruction, and development assistance in Haiti, including $1,140,000,000 in emergency appropriations and $95,000,000 that has been obligated specifically to respond to the cholera epidemic.

(9) Of the $3,600,000,000 in United States assistance allocated for Haiti, $651,000,000 was apportioned to USAID to support an ambitious recovery plan, including the construction of a power plant to provide electricity for the new Caracol Industrial Park (CIP) in northern Haiti, a new port near the CIP, and permanent housing in new settlements in the Port-au-Prince, St-Marc, and Cap-Haitien areas.

(10) According to a recent report of the Government Accountability Office, as of June 30, 2013, USAID had disbursed 31 percent of its reconstruction funds in Haiti, the port project was 2 years behind schedule and USAID funding will be insufficient to cover a majority of the projected costs, the housing project has been reduced by 80 percent, and the sustainability of the power plant, the port, and the housing projects were all at risk.

(11) GAO further found that Congress has not been provided with sufficient information to ensure that it is able to conduct effective oversight at a time when most funding remains to be disbursed, and specifically recommends that a periodic reporting mechanism be instituted to fill this information gap.

(12) Donors have encountered significant challenges in implementing recovery programs, and nearly 4 years after the earthquake, an estimated 171,974 people remain displaced in camps, unemployment remains high, corruption is rampant, land rights remain elusive, allegations of wage violations are widespread, the business climate is unfavorable, and government capacity remains weak.

(13) For Haiti to achieve stability and long term economic growth, donor assistance will have to be carefully coordinated with a commitment by the Government of Haiti to transparency, a market economy, rule of law, and democracy.

(14) The legal environment in Haiti remains a challenge to achieving the goals supported by the international community.

SEC. 3. STATEMENT OF POLICY.

It is the policy of the United States to support the sustainable rebuilding and development of Haiti in a manner that—

(1) promotes efforts that are led by and support the people and Government of Haiti at all levels so that Haitians lead the course of reconstruction and development of Haiti;

(2) builds the long term capacity of the Government of Haiti and civil society in Haiti;

(3) reflects the priorities and particular needs of both women and men so they may participate equally and to their maximum capacity;

(4) respects and helps restore Haiti's natural resources, as well as builds community-level resilience to environmental and weather-related impacts;

(5) provides timely and comprehensive reporting on goals and progress, as well as transparent post program evaluations and contracting data;

(6) prioritizes the local procurement of goods and services in Haiti where appropriate; and

(7) promotes the holding of free, fair, and timely elections in accordance with democratic principles and the Haitian Constitution.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that transparency, accountability, democracy, and good governance are integral factors in any congressional decision regarding United States assistance, including assistance to Haiti.

SEC. 5. REPORT.

(a) IN GENERAL.—Not later than December 31, 2014, and annually thereafter through December 31, 2017, the Secretary of State shall submit to Congress a report on the status of post-earthquake recovery and development efforts in Haiti.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) a summary of ''Post-Earthquake USG Haiti Strategy: Toward Renewal and Economic Opportunity'', including any significant changes to the strategy over the reporting period and an explanation thereof;

(2) a breakdown of the work that the United States Government agencies other than USAID and the Department of State are conducting in the Haiti recovery effort, and the cost of that assistance;

(3) an assessment of the progress of United States efforts to advance the objectives of the ''Post-Earthquake USG Haiti Strategy: Toward Renewal and Economic Opportunity'' produced by the Department of State, compared to what remains to be achieved to meet specific goals, including—

(A) a description of any significant changes to the Strategy over the reporting period and an explanation thereof;

(B) an assessment of progress, or lack thereof, over the reporting period toward meeting the goals and objectives, benchmarks, and timeframes specified in the Strategy, including—

(i) a description of progress toward designing and implementing a coordinated and sustainable housing reconstruction strategy that addresses land ownership, secure land tenure, water and sanitation, and the unique concerns of vulnerable populations such as women and children, as well as neighborhood and community revitalization, housing finance, and capacity building for the Government of Haiti to implement an effective housing policy;

(ii) a description of United States Government efforts to construct and sustain the proposed port, as well as an assessment of the current projected timeline and cost for completion; and

(iii) a description of United States Government efforts to attract and leverage the investments of private sector partners to the CIP, including by addressing any policy impediments;

(C) a description of the quantitative and qualitative indicators used to evaluate the progress toward meeting the goals and objectives, benchmarks, and timeframes specified in the Strategy at the program level;

(D) the amounts committed, obligated, and expended on programs and activities to implement the Strategy, by sector and by implementing partner at the prime and subprime levels (in amounts of not less than $25,000); and

(E) a description of the risk mitigation measures put in place to limit the exposure of United

States assistance provided under the Strategy to waste, fraud, and abuse;

(4) a description of measures taken to strengthen, and United States Government efforts to improve, Haitian governmental and nongovernmental organizational capacity to undertake and sustain United States-supported recovery programs;

(5) as appropriate, a description of United States efforts to consult and engage with Government of Haiti ministries and local authorities on the establishment of goals and timeframes, and on the design and implementation of new programs under the Post-Earthquake USG Haiti Strategy: Toward Renewal and Economic Opportunity;

(6) a description of efforts by Haiti's legislative and executive branches to consult and engage with Haitian civil society and grassroots organizations on the establishment of goals and timeframes, and on the design and implementation of new donor-financed programs, as well as efforts to coordinate with and engage the Haitian diaspora;

(7) consistent with the Government of Haiti's ratification of the United Nations Convention Against Corruption, a description of efforts of the Governments of the United States and Haiti to strengthen Government of Haiti institutions established to address corruption, as well as related efforts to promote public accountability, meet public outreach and disclosure obligations, and support civil society participation in anticorruption efforts;

(8) a description of efforts to leverage public-private partnerships and increase the involvement of the private sector in Haiti in recovery and development activities and coordinate programs with the private sector and other donors;

(9) a description of efforts to address the particular needs of vulnerable populations, including internally displaced persons, women, children, orphans, and persons with disabilities, in the design and implementation of new programs and infrastructure;

(10) a description of the impact that agriculture and infrastructure programs are having on the food security, livelihoods, and land tenure security of smallholder farmers, particularly women;

(11) a description of mechanisms for communicating the progress of recovery and development efforts to the people of Haiti, including a description of efforts to provide documentation, reporting and procurement information in Haitian Creole;

(12) a description of the steps the Government of Haiti is taking to strengthen its capacity to receive individuals who are removed, excluded, or deported from the United States; and

(13) an assessment of actions necessary to be taken by the Government of Haiti to assist in fulfilling the objectives of the Strategy.

SEC. 6. STRATEGY.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, acting through the Assistant Secretary of State for Western Hemisphere Affairs, shall coordinate and transmit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives a three-year Haiti strategy based on rigorous assessments that—

(1) identifies and addresses constraints to sustainable, broad-based economic growth and to the consolidation of responsive, democratic government institutions;

(2) includes an action plan that outlines policy tools, technical assistance, and anticipated resources for addressing the highest-priority constraints to economic growth and the consolidation of democracy, as well as a specific description of mechanisms for monitoring and evaluating progress; and

(3) identifies specific steps and verifiable benchmarks appropriate to provide direct bilateral assistance to the Government of Haiti.

(b) ELEMENTS.—The strategy required under subsection (a) should address the following elements:

(1) A plan to engage the Government of Haiti on shared priorities to build long-term capacity, including the development of a professional civil service, to assume increasing responsibility for governance and budgetary sustainment of governmental institutions.

(2) A plan to assist the Government of Haiti in holding free, fair and timely elections in accordance with democratic principles.

(3) Specific goals for future United States support for efforts to build the capacity of the Government of Haiti, including to–

(A) reduce corruption;

(B) consolidate the rule of law and an independent judiciary;

(C) strengthen the civilian police force;

(D) develop sustainable housing, including ensuring appropriate titling and land ownership rights;

(E) expand port capacity to support economic growth;

(F) attract and leverage the investments of private sector partners, including to the Caracol Industrial Park;

(G) promote large and small scale agricultural development in a manner that reduces food insecurity and contributes to economic growth;

(H) improve access to potable water, expand public sanitation services, reduce the spread of infectious diseases, and address public health crises;

(I) restore the natural resources of Haiti, including enhancing reforestation efforts throughout the country; and

(J) gain access to safe, secure, and affordable supplies of energy in order to strengthen economic growth and energy security.

(c) CONSULTATION.—In devising the strategy required under subsection (a), the Secretary should—

(1) coordinate with all United States Government departments and agencies carrying out work in Haiti;

(2) consult with the Government of Haiti, including the National Assembly of Haiti, and representatives of private and nongovernmental sectors in Haiti; and

(3) consult with relevant multilateral organizations, multilateral development banks, private sector institutions, nongovernmental organizations, and foreign governments present in Haiti.

(d) BRIEFINGS.—The Secretary of State, at the request of the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, shall provide a quarterly briefing that reviews progress of the implementation of the strategy required under subsection (a).

Mr. REID. I ask unanimous consent that the committee-reported substitute amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I do not know of any further debate on this bill.

The PRESIDING OFFICER. If there is no further debate, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The bill (S. 1104), as amended, was passed.

Mr. REID. Mr. President, I ask unanimous consent that the motions to reconsider be considered made and laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

NEAR EAST AND SOUTH CENTRAL ASIA RELIGIOUS FREEDOM ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 268.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 653) to provide for the establishment of the Special Envoy to Promote Religious Freedom of Religious Minorities in the Near East and South Central Asia.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the Blunt amendment at the desk be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3556) was agreed to, as follows:

On page 1, line 5, strike ''2013'' and insert ''2014''.

On page 5, strike line 6 and insert the following:

SEC. 6. SUNSET.

This Act shall cease to be effective beginning on October 1, 2019.

SEC. 7. FUNDING.

On page 5, line 9, strike ''2013 through 2017'' and insert ''2015 through 2019''.

Mr. REID. I personally do not know of any more debate on this matter.

The PRESIDING OFFICER. If there is no further debate, the question is on the engrossment and third reading of the bill.

The bill (S. 653), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

S. 653

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Near East and South Central Asia Religious Freedom Act of 2014''.

SEC. 2. SPECIAL ENVOY TO PROMOTE RELIGIOUS FREEDOM OF RELIGIOUS MINORITIES IN THE NEAR EAST AND SOUTH CENTRAL ASIA.

(a) APPOINTMENT.—The President may appoint a Special Envoy to Promote Religious Freedom of Religious Minorities in the Near East and South Central Asia (in this Act referred to as the ''Special Envoy'') within the Department of State. The Special Envoy shall have the rank of ambassador and shall hold the office at the pleasure of the President.

(b) QUALIFICATIONS.—The Special Envoy should be a person of recognized distinction in the field of human rights and religious freedom and with expertise in the Near East and South Central Asia.

SEC. 3. DUTIES.

(a) IN GENERAL.—The Special Envoy shall carry out the following duties:

(1) Promote the right of religious freedom of religious minorities in the countries of the Near East and the countries of South Central Asia, denounce the violation of such right, and recommend appropriate responses by the United States Government when such right is violated.

(2) Monitor and combat acts of religious intolerance and incitement targeted against religious minorities in the countries of the Near East and the countries of South Central Asia.

(3) Work to ensure that the unique needs of religious minority communities in the countries of the Near East and the countries of South Central Asia are addressed, including the economic and security needs of such communities.

(4) Work with foreign governments of the countries of the Near East and the countries of South Central Asia to address laws that are discriminatory toward religious minority communities in such countries.

(5) Coordinate and assist in the preparation of that portion of the report required by sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)) relating to the nature and extent of religious freedom of religious minorities in the countries of the Near East and the countries of South Central Asia.

(6) Coordinate and assist in the preparation of that portion of the report required by section 102(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)) relating to the nature and extent of religious freedom of religious minorities in the countries of the Near East and the countries of South Central Asia.

(b) COORDINATION.—In carrying out the duties under subsection (a), the Special Envoy shall, to the maximum extent practicable, coordinate with the Assistant Secretary of State for Population, Refugees and Migration, the Ambassador at Large for International Religious Freedom, the United States Commission on International Religious Freedom, and other relevant Federal agencies and officials.

SEC. 4. DIPLOMATIC REPRESENTATION.

Subject to the direction of the President and the Secretary of State, the Special Envoy is authorized to represent the United States in matters and cases relevant to religious freedom in the countries of the Near East and the countries of South Central Asia in—

(1) contacts with foreign governments, intergovernmental organizations, and specialized agencies of the United Nations, the Organization of Security and Cooperation in Europe, and other international organizations of which the United States is a member; and

(2) multilateral conferences and meetings relevant to religious freedom in the countries of the Near East and the countries of South Central Asia.

SEC. 5. CONSULTATIONS.

The Special Envoy shall consult with domestic and international nongovernmental organizations and multilateral organizations and institutions, as the Special Envoy considers appropriate to fulfill the purposes of this Act.

SEC. 6. SUNSET.

This Act shall cease to be effective beginning on October 1, 2019.

SEC. 7. FUNDING.

Of the amounts appropriated or otherwise made available to the Secretary of State for ''Diplomatic and Consular Programs'' for fiscal years 2015 through 2019, the Secretary of State is authorized to provide to the Special Envoy $1,000,000 for each such fiscal year for the hiring of staff, the conduct of investigations, and necessary travel to carry out the provisions of this Act.

Mr. REID. Mr. President, I ask unanimous consent that the motions to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar Nos. 454 through 457, which are all post office naming bills.

There being no objection, the Senate proceeded to consider the bills en bloc.

Mr. REID. Mr. President, I ask unanimous consent that the bills be read a third time and passed en bloc and the motions to reconsider be laid upon the table en bloc, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

SERGEANT BRETT E. GORNEWICZ MEMORIAL POST OFFICE

The bill (S. 2056) to designate the facility of the United States Postal Service located at 13127 Broadway Street in Alden, New York, as the ''Sergeant Brett E. Gornewicz Memorial Post Office'', was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2056

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SERGEANT BRETT E. GORNEWICZ MEMORIAL POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 13127 Broadway Street in Alden, New York, shall be known and designated as the ''Sergeant Brett E. Gornewicz Memorial Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Sergeant Brett E. Gornewicz Memorial Post Office''.

SPECIALIST RYAN P. JAYNE POST OFFICE BUILDING

The bill (S. 2057) to designate the facility of the United States Postal Service located at 198 Baker Street in Corning, New York, as the ''Specialist Ryan P. Jayne Post Office Building'', was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2057

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SPECIALIST RYAN P. JAYNE POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 198 Baker Street in Corning, New York, shall be known and designated as the ''Specialist Ryan P. Jayne Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Specialist Ryan P. Jayne Post Office Building''.

JUDGE SHIRLEY A. TOLENTINO POST OFFICE BUILDING

The bill (H.R. 1376) to designate the facility of the United States Postal Service located at 369 Martin Luther King Jr. Drive in Jersey City, New Jersey, as the ''Judge Shirley A. Tolentino Post Office Building'', was ordered to a third reading, was read the third time, and passed.

LANCE CORPORAL DANIEL NATHAN DEYARMIN, JR., POST OFFICE BUILDING

The bill (H.R. 1813) to redesignate the facility of the United States Postal Service located at 162 Northeast Avenue in Tallmadge, Ohio, as the ''Lance Corporal Daniel Nathan Deyarmin, Jr., Post Office Building'', was ordered to a third reading, was read the third time, and passed.

LAWFUL USES OF ASIA-PACIFIC MARITIME DOMAINS

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to immediate consideration of Calendar No. 380, S. Res. 412.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 412) reaffirming the strong support of the United States Government for freedom of navigation and other internationally lawful uses of sea and airspace in the Asia-Pacific region, and for the peaceful diplomatic resolution of outstanding territorial and maritime claims and disputes.

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Foreign Relations, with amendments and an amendment to the preamble.

(The part of the resolution intended to be stricken is shown in boldface brackets and the part of the resolution intended to be inserted is shown in italic.)

(The part of the preamble to be inserted is shown in italic.)

S. RES. 412

Whereas Asia-Pacific's maritime domains, which include both the sea and airspace above the domains, are critical to the region's prosperity, stability, and security, including global commerce;

Whereas the United States is a longstanding Asia-Pacific power and has a national interest in maintaining freedom of operations in international waters and airspace both in the Asia-Pacific region and around the world;

Whereas, for over 60 years, the United States Government, alongside United States allies and partners, has played an instrumental role in maintaining stability in the Asia-Pacific, including safeguarding the prosperity and economic growth and development of the Asia-Pacific region;

Whereas the United States, from the earliest days of the Republic, has had a deep and abiding national security interest in freedom of navigation, freedom of the seas, respect for international law, and unimpeded lawful commerce, including in the East China and South China Seas;

Whereas the United States alliance relationships in the region, including with Japan, Korea, Australia, the Philippines, and Thailand, are at the heart of United States policy and engagement in the Asia-Pacific region, and share a common approach to supporting the maintenance of peace and stability, freedom of navigation, and other

internationally lawful uses of sea and airspace in the Asia-Pacific region;

Whereas territorial and maritime claims must be derived from land features and otherwise comport with international law;

Whereas the United States Government has a clear interest in encouraging and supporting the nations of the region to work collaboratively and diplomatically to resolve disputes and is firmly opposed to coercion, intimidation, threats, or the use of force;

Whereas the South China Sea contains great natural resources, and their stewardship and responsible use offers immense potential benefit for generations to come;

Whereas the United States is not a claimant party in either the East China or South China Seas, but does have an interest in the peaceful diplomatic resolution of disputed claims in accordance with international law, in freedom of operations, and in the free-flow of commerce free of coercion, intimidation, or the use of force;

Whereas the United States supports the obligation of all members of the United Nations to seek to resolve disputes by peaceful means;

Whereas freedom of navigation and other lawful uses of sea and airspace in the Asia-Pacific region are embodied in international law, not granted by certain states to others;

Whereas, on November 23, 2013, the People's Republic of China unilaterally and without prior consultations with the United States, Japan, the Republic of Korea or other nations of the Asia-Pacific region, declared an Air Defense Identification Zone (ADIZ) in the East China Sea, also announcing that all aircraft entering the PRC's self-declared ADIZ, even if they do not intend to enter Chinese territorial airspace, would have to submit flight plans, maintain radio contact, and follow directions from the Chinese Ministry of National Defense or face ''emergency defensive measures'';

Whereas the ''rules of engagement'' declared by China, including the ''emergency defensive measures'', are in violation of the concept of ''due regard for the safety of civil aviation'' under the Chicago Convention of the International Civil Aviation Organization's Chicago Convention and thereby are a departure from accepted practice;

Whereas the Chicago Convention of the International Civil Aviation Organization distinguishes between civilian aircraft and state aircraft and provides for the specific obligations of state parties, consistent with customary law, to ''refrain from resorting to the use of weapons against civil aircraft in flight and . . . in case of interception, the lives of persons on board and the safety of aircraft must not be endangered'';

Whereas international civil aviation is regulated by international agreements, including standards and regulations set by ICAO for aviation safety, security, efficiency and regularity, as well as for aviation environmental protection;

Whereas, in accordance with the norm of airborne innocent passage, the United States does not recognize the right of a coastal nation to apply its ADIZ procedures to foreign state aircraft not intending to enter national airspace nor does the United States apply its ADIZ procedures to foreign state aircraft not intending to enter United States airspace;

Whereas the United States Government expressed profound concerns with China's unilateral, provocative, dangerous, and destabilizing declaration of such a zone, including the potential for misunderstandings and miscalculations by aircraft operating lawfully in international airspace;

Whereas the People's Republic of China's declaration of an ADIZ in the East China Sea will not alter how the United States Government conducts operations in the region or the unwavering United States commitment to peace, security and stability in the Asia-Pacific region;

Whereas the Government of Japan expressed deep concern about the People's Republic of China's declaration of such a zone, regarding it as an effort to unduly infringe upon the freedom of flight in international airspace and to change the status quo that could escalate tensions and potentially cause unintentional consequences in the East China Sea;

Whereas the Government of the Republic of Korea has expressed concern over China's declared ADIZ, and on December 9, 2013, announced an adjustment to its longstanding Air Defense Identification Zone, which does not encompass territory administered by another country, and did so only after undertaking a deliberate process of consultations with the United States, Japan, and China;

Whereas the Government of the Philippines has stressed that China's declared ADIZ seeks to transfer an entire air zone into Chinese domestic airspace, infringes on freedom of flight in international airspace, and compromises the safety of civil aviation and the national security of affected states, and has called on China to ensure that its actions do not jeopardize regional security and stability;

Whereas, on November 26, 2013, the Government of Australia made clear in a statement its opposition to any coercive or unilateral actions to change the status quo in the East China Sea;

Whereas, on March 10, 2014, the United States Government and the Government of Japan jointly submitted a letter to the ICAO Secretariat regarding the issue of freedom of overflight by civil aircraft in international airspace and the effective management of civil air traffic within allocated Flight Information Regions (FIR);

Whereas Indonesia Foreign Minister Marty Natalegawa, in a hearing before the Committee on Defense and Foreign Affairs on February 18, 2014, stated, ''We have firmly told China we will not accept a similar [Air Defense Identification] Zone if it is adopted in the South China Sea. And the signal we have received thus far is, China does not plan to adopt a similar Zone in the South China Sea.'';

Whereas over half the world's merchant tonnage flows through the South China Sea, and over 15,000,000 barrels of oil per day transit the Strait of Malacca, fueling economic growth and prosperity throughout the Asia-Pacific region;

Whereas the increasing frequency and assertiveness of patrols and competing regulations over disputed territory and maritime areas and airspace in the South China Sea and the East China Sea are raising tensions and increasing the risk of confrontation;

Whereas the Association of Southeast Asian Nations (ASEAN) has promoted multilateral talks on disputed areas without settling the issue of sovereignty, and in 2002 joined with China in signing a Declaration on the Conduct of Parties in the South China Sea that committed all parties to those territorial disputes to ''reaffirm their respect for and commitment to the freedom of navigation in and over flight above the South China Sea as provided for by the universally recognized principles of international law'' and to ''resolve their territorial and jurisdictional disputes by peaceful means, without resorting to the threat or use of force'';

Whereas ASEAN and China committed in 2002 to develop an effective Code of Conduct when they adopted the Declaration on the Conduct of Parties in the South China Sea, yet negotiations are irregular and little progress has been made;

Whereas, in recent years, there have been numerous dangerous and destabilizing incidents in waters near the coasts of the Philippines, China, Malaysia, and Vietnam;

Whereas the United States Government is deeply concerned about unilateral actions by any claimant seeking to change the status quo through the use of coercion, intimidation, or military force, including the continued restrictions on access to Scarborough Reef and pressure on long-standing Philippine presence at the Second Thomas Shoal by the People's Republic of China; actions by any state to prevent any other state from exercising its sovereign rights to the resources of the exclusive economic zone (EEZ) and continental shelf by making claims to those areas that have no support in international law; declarations of administrative and military districts in contested areas in the South China Sea; and the imposition of new fishing regulations covering disputed areas, which have raised tensions in the region;

Whereas international law is important to safeguard the rights and freedoms of all states in the Asia-Pacific region, and the lack of clarity in accordance with international law by claimants with regard to their South China Sea claims can create uncertainty, insecurity, and instability;

Whereas the United States Government opposes the use of intimidation, coercion, or force to assert a territorial claim in the South China Sea;

Whereas claims in the South China Sea must accord with international law, and those that are not derived from land features are fundamentally flawed;

Whereas ASEAN issued Six-Point Principles on the South China Sea on July 20, 2012, whereby ASEAN's Foreign Ministers reiterated and reaffirmed ''the commitment of ASEAN Member States to: . . . 1. the full implementation of the Declaration on the Conduct of Parties in the South China Sea (2002); . . . 2. the Guidelines for the Implementation of the Declaration on the Conduct of Parties in the South China Sea (2011); . . . 3. the early conclusion of a Regional Code of Conduct in the South China Sea; . . . 4. the full respect of the universally recognized principles of International Law, including the 1982 United Nations Convention on the Law of the Sea (UNCLOS); . . . 5. the continued exercise of self-restraint and non-use of force by all parties; and . . . 6. the peaceful resolution of disputes, in accordance with universally recognized principles of International Law, including the 1982 United Nations Convention on the Law of the Sea (UNCLOS).'';

Whereas, in 2013, the Republic of the Philippines properly exercised its rights to peaceful settlement mechanisms with the filing of arbitration case under Article 287 and Annex VII of the Convention on the Law of the Sea in order to achieve a peaceful and durable solution to the dispute, and the United States hopes that all parties in any dispute ultimately abide by the rulings of internationally recognized dispute-settlement bodies;

Whereas China and Japan are the world's second and third largest economies, and have a shared interest in preserving stable maritime domains to continue to support economic growth;

Whereas there has been an unprecedented increase in dangerous activities by Chinese maritime agencies in areas near the Senkaku islands, including between 6 and 25 ships of the Government of China intruding into the Japanese territorial sea each month since September 2012, between 26 and 124 ships entering the ''contiguous zone'' in the same time period, and 9 ships intruding into the territorial sea and 33 ships entering in the contiguous zone in February 2014;

Whereas, although the United States Government does not take a position on the ultimate sovereignty of the Senkaku Islands, the United States Government acknowledges that they are under the administration of Japan and opposes any unilateral actions that would seek to undermine such administration;

Whereas the United States Senate has previously affirmed that the unilateral actions of a third party will not affect the United States acknowledgment of the administration of Japan over the Senkaku Islands;

Whereas the United States remains committed under the Treaty of Mutual Cooperation and Security to respond to any armed attack in the territories under the administration of Japan, has urged all parties to take steps to prevent incidents and manage disagreements through peaceful means, and commends the Government of Japan for its restrained approach in this regard;

Whereas both the United States and the People's Republic of China are parties to and are obligated to observe the rules of the Convention on the International Regulations for Preventing Collisions at Sea, done at London October 12, 1972 (COLREGs);

Whereas, on December 5, 2013, the USS Cowpens was lawfully operating in international waters in the South China Sea when a People's Liberation Army Navy vessel reportedly crossed its bow at a distance of less than 500 yards and stopped in the water, forcing the USS Cowpens to take evasive action to avoid a collision;

Whereas the reported actions taken by the People's Liberation Army Navy vessel in the USS Cowpens' incident, as publicly reported, appear contrary to the international legal obligations of the People's Republic of China under COLREGs;

Whereas, on May 1, 2014, the People's Republic of China's state-owned energy company, CNOOC, placed its deepwater semi-submersible drilling rig Hai Yang Shi You 981 (HD–981), accompanied by over 25 Chinese ships, in Block 143, 120 nautical miles off Vietnam's coastline;

Whereas, from May 1 to May 9, 2014, the number of Chinese vessels escorting HD–981 increased to more than 80, including seven military ships, which aggressively patrolled and intimidated Vietnamese Coast Guard ships in violation of COLREGS, reportedly intentionally rammed multiple Vietnamese vessels, and used helicopters and water cannons to obstruct others;

Whereas, on May 5, 2014, vessels from the Maritime Safety Administration of China (MSAC) established an exclusion zone with a radius of three nautical miles around HD–981, which undermines maritime safety in the area and is in violation of universally recognized principles of International Law, including the 1982 United Nations Convention on the Law of the Sea (UNCLOS);

Whereas China's territorial claims and associated maritime actions in support of the drilling activity that HD-981 commenced on May 1, 2014, have not been clarified under international law, including as defined by the 1982 United Nations Convention on the Law of the Sea, constitute a unilateral attempt to change the status quo by force, and appear to be in violation of the 2002 Declaration on the Conduct of Parties in the South China Sea;

Whereas, on January 19, 1998, the United States and People's Republic of China signed the Military Maritime Consultative Agreement, creating a mechanism for consultation and coordination on operational safety issues in the maritime domain between the United States and the People's Republic of China;

Whereas the Western Pacific Naval Symposium, inaugurated in 1988 and comprising the navies of Australia, Brunei, Cambodia, Canada, Chile, France, Indonesia, Japan, Malaysia, New Zealand, Papua New Guinea, the People's Republic of China, the Philippines, the Republic of Korea, the Russian Federation, Singapore, Thailand, Tonga, the United States, and Vietnam, whose countries all border the Pacific Ocean region, provides a forum where leaders of regional navies can meet to discuss cooperative initiatives, discuss regional and global maritime issues, and undertake exercises to strengthen norms and practices that contribute to operational safety, including protocols for unexpected encounters at sea, common ways of communication, common ways of operating, and common ways of engagement;

Whereas, Japan and the People's Republic of China sought to negotiate a Maritime Communications Mechanism between the defense authorities and a Maritime Search and Rescue Agreement and agreed in principle to these agreements to address operational safety on the maritime domains but failed to sign them;

Whereas the Changi Command and Control Center in Singapore provides a platform for all the countries of the Western Pacific to share information on what kind of contact at sea and to provide a common operational picture for the region;

Whereas 2014 commemorates the 35th anniversary of normalization of diplomatic relations between the United States and the People's Republic of China, and the United States welcomes the development of a peaceful and prosperous China that becomes a responsible international stakeholder, the government of which respects international norms, international laws, international institutions, and international rules; enhances security and peace; and seeks to advance relations between the United States and China; and

Whereas ASEAN plays an important role, in partnership with others in the regional and international community, in addressing maritime security issues in the Asia-Pacific region and the Indian Ocean, including open access to the maritime domain of Asia; Now, therefore, be it

Resolved,

SECTION 1. SENSE OF THE SENATE.

The Senate—

(1) condemns coercive and threatening actions or the use of force to impede freedom of operations in international airspace by military or civilian aircraft, to alter the status quo or to destabilize the Asia-Pacific region;

(2) urges the Government of the People's Republic of China to refrain from implementing the declared East China Sea Air Defense Identification Zone (ADIZ), which is contrary to freedom of overflight in international airspace, and to refrain from taking similar provocative actions elsewhere in the Asia-Pacific region[; and]*;*

(3) commends the Governments of Japan and of the Republic of Korea for their restraint, and commends the Government of the Republic of Korea for engaging in a deliberate process of consultations with the United States, Japan and China prior to announcing its adjustment of its Air Defense Identification Zone on December 9, 2013, and for its commitment to implement this adjusted Air Defense Identification Zone (ADIZ) in a manner consistent with international practice and respect for the freedom of overflight and other internationally lawful uses of international airspace*; and*

(4) calls on the Government of the People's Republic of China to withdraw its HD–981 drilling rig and associated maritime forces from their current positions, to refrain from maritime maneuvers contrary to COLREGS, and to return immediately to the status quo as it existed before May 1, 2014.

SEC. 2. STATEMENT OF POLICY.

It is the policy of the United States to—

(1) reaffirm its unwavering commitment and support for allies and partners in the Asia-Pacific region, including longstanding United States policy regarding Article V of the United States-Philippines Mutual Defense Treaty and that Article V of the United States-Japan Mutual Defense Treaty applies to the Japanese-administered Senkaku Islands;

(2) oppose claims that impinge on the rights, freedoms, and lawful use of the sea that belong to all nations;

(3) urge all parties to refrain from engaging in destabilizing activities, including illegal occupation or efforts to unlawfully assert administration over disputed claims;

(4) ensure that disputes are managed without intimidation, coercion, or force;

(5) call on all claimants to clarify or adjust claims in accordance with international law;

(6) support efforts by ASEAN and the People's Republic of China to develop an effective Code of Conduct, including the ''early harvest'' of agreed-upon elements in the Code of Conduct that can be implemented immediately;

(7) reaffirm that an existing body of international rules and guidelines, including the International Regulations for Preventing Collisions at Sea, done at London October 12, 1972 (COLREGs), is sufficient to ensure the safety of navigation between the United States Armed Forces and the forces of other countries, including the People's Republic of China;

(8) support the development of regional institutions and bodies, including the ASEAN Regional Forum, the ASEAN Defense Minister's Meeting Plus, the East Asia Summit, and the expanded ASEAN Maritime Forum, to build practical cooperation in the region and reinforce the role of international law;

(9) encourage the adoption of mechanisms such as hotlines or emergency procedures for preventing incidents in sensitive areas, managing them if they occur, and preventing disputes from escalating;

(10) fully support the rights of claimants to exercise rights they may have to avail themselves of peaceful dispute settlement mechanisms;

(11) encourage claimants not to undertake new unilateral attempts to change the status quo since the signing of the 2002 Declaration of Conduct, including not asserting administrative measures or controls in disputed areas in the South China Sea;

(12) encourage the deepening of partnerships with other countries in the region for maritime domain awareness and capacity building, as well as efforts by the United States Government to explore the development of appropriate multilateral mechanisms for a ''common operating picture'' in the South China Sea that would serve to help countries avoid destabilizing behavior and deter risky and dangerous activities; and

(13) assure the continuity of operations by the United States in the Asia-Pacific region, including, when appropriate, in cooperation with partners and allies, to reaffirm the principle of freedom of operations in international waters and airspace in accordance with established principles and practices of international law.

Mr. REID. I further ask that the committee-reported amendments to the resolution be agreed to; the Menendez amendment to the resolution, which is at the desk, be agreed to; the Paul amendment, which is at the desk, be agreed to; the resolution, as amended, be agreed to; further, that the committee-reported amendment to the preamble be agreed to; the Menendez amendment to the preamble, which is

at the desk, be agreed to; the preamble, as amended, be agreed to; and finally, the motions to reconsider be considered made and laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendments were agreed to.

The amendment (No. 3553) was agreed to, as follows:

(Purpose: To make a technical correction)

On page 13, line 24, strike ''HD–981'' and insert ''Hai Yang Shi You 981 (HD-981)''.

The amendment (No. 3554) was agreed to, as follows:

(Purpose: To clarify that nothing in the resolution shall be construed as a declaration of war or authorization to use force)

At the end, add the following:

SEC. 3. RULE OF CONSTRUCTION.

Nothing in this resolution shall be construed as a declaration of war or authorization to use force.

The resolution (S. Res. 412), as amended, was agreed to.

The committee-reported amendment to the preamble was agreed to.

The amendment (No. 3555) was agreed to, as follows:

(Purpose: To improve the preamble)

Beginning in the thirteenth whereas clause of the preamble, strike ''Organization's'' and all that follows through ''Law of the Sea'' in the forty-seventh whereas clause and insert the following: ''Organization and thereby are a departure from accepted practice;

Whereas the Chicago Convention of the International Civil Aviation Organization distinguishes between civilian aircraft and state aircraft and provides for the specific obligations of state parties, consistent with customary law, to ''refrain from resorting to the use of weapons against civil aircraft in flight and . . . in case of interception, the lives of persons on board and the safety of aircraft must not be endangered'';

Whereas international civil aviation is regulated by international agreements, including standards and regulations set by ICAO for aviation safety, security, efficiency and regularity, as well as for aviation environmental protection;

Whereas, in accordance with the norm of airborne innocent passage, the United States does not recognize the right of a coastal nation to apply its ADIZ procedures to foreign state aircraft not intending to enter national airspace nor does the United States apply its ADIZ procedures to foreign state aircraft not intending to enter United States airspace;

Whereas the United States Government expressed profound concerns with China's unilateral, provocative, dangerous, and destabilizing declaration of such a zone, including the potential for misunderstandings and miscalculations by aircraft operating lawfully in international airspace;

Whereas the People's Republic of China's declaration of an ADIZ in the East China Sea will not alter how the United States Government conducts operations in the region or the unwavering United States commitment to peace, security and stability in the Asia-Pacific region;

Whereas the Government of Japan expressed deep concern about the People's Republic of China's declaration of such a zone, regarding it as an effort to unduly infringe upon the freedom of flight in international airspace and to change the status quo that could escalate tensions and potentially cause unintentional consequences in the East China Sea;

Whereas the Government of the Republic of Korea has expressed concern over China's declared ADIZ, and on December 9, 2013, announced an adjustment to its longstanding Air Defense Identification Zone, which does not encompass territory administered by another country, and did so only after undertaking a deliberate process of consultations with the United States, Japan, and China;

Whereas the Government of the Philippines has stressed that China's declared ADIZ seeks to transfer an entire air zone into Chinese domestic airspace, infringes on freedom of flight in international airspace, and compromises the safety of civil aviation and the national security of affected states, and has called on China to ensure that its actions do not jeopardize regional security and stability;

Whereas, on November 26, 2013, the Government of Australia made clear in a statement its opposition to any coercive or unilateral actions to change the status quo in the East China Sea;

Whereas, on March 10, 2014, the United States Government and the Government of Japan jointly submitted a letter to the ICAO Secretariat regarding the issue of freedom of overflight by civil aircraft in international airspace and the effective management of civil air traffic within allocated Flight Information Regions (FIR);

Whereas Indonesia Foreign Minister Marty Natalegawa, in a hearing before the Committee on Defense and Foreign Affairs on February 18, 2014, stated, ''We have firmly told China we will not accept a similar [Air Defense Identification] Zone if it is adopted in the South China Sea. And the signal we have received thus far is, China does not plan to adopt a similar Zone in the South China Sea.'';

Whereas over half the world's merchant tonnage flows through the South China Sea, and over 15,000,000 barrels of oil per day transit the Strait of Malacca, fueling economic growth and prosperity throughout the Asia-Pacific region;

Whereas the increasing frequency and assertiveness of patrols and competing regulations over disputed territory and maritime areas and airspace in the South China Sea and the East China Sea are raising tensions and increasing the risk of confrontation;

Whereas the Association of Southeast Asian Nations (ASEAN) has promoted multilateral talks on disputed areas without settling the issue of sovereignty, and in 2002 joined with China in signing a Declaration on the Conduct of Parties in the South China Sea that committed all parties to those territorial disputes to ''reaffirm their respect for and commitment to the freedom of navigation in and over flight above the South China Sea as provided for by the universally recognized principles of international law'' and to ''resolve their territorial and jurisdictional disputes by peaceful means, without resorting to the threat or use of force'';

Whereas ASEAN and China committed in 2002 to develop an effective Code of Conduct when they adopted the Declaration on the Conduct of Parties in the South China Sea, yet negotiations are irregular and little progress has been made;

Whereas, in recent years, there have been numerous dangerous and destabilizing incidents in waters near the coasts of the Philippines, China, Malaysia, and Vietnam;

Whereas the United States Government is deeply concerned about unilateral actions by any claimant seeking to change the status quo through the use of coercion, intimidation, or military force, including the continued restrictions on access to Scarborough Reef and pressure on long-standing Philippine presence at the Second Thomas Shoal by the People's Republic of China; actions by any state to prevent any other state from exercising its sovereign rights to the resources of the exclusive economic zone (EEZ) and continental shelf by making claims to those areas that have no support in international law; declarations of administrative and military districts in contested areas in the South China Sea; and the imposition of new fishing regulations covering disputed areas, which have raised tensions in the region;

Whereas international law is important to safeguard the rights and freedoms of all states in the Asia-Pacific region, and the lack of clarity in accordance with international law by claimants with regard to their South China Sea claims can create uncertainty, insecurity, and instability;

Whereas the United States Government opposes the use of intimidation, coercion, or force to assert a territorial claim in the South China Sea;

Whereas claims in the South China Sea must accord with international law, and those that are not derived from land features are fundamentally flawed;

Whereas ASEAN issued Six-Point Principles on the South China Sea on July 20, 2012, whereby ASEAN's Foreign Ministers reiterated and reaffirmed ''the commitment of ASEAN Member States to: . . . 1. the full implementation of the Declaration on the Conduct of Parties in the South China Sea (2002); . . . 2. the Guidelines for the Implementation of the Declaration on the Conduct of Parties in the South China Sea (2011); . . . 3. the early conclusion of a Regional Code of Conduct in the South China Sea; . . . 4. the full respect of the universally recognized principles of International Law, including the 1982 United Nations Convention on the Law of the Sea (UNCLOS); . . . 5. the continued exercise of self-restraint and non-use of force by all parties; and . . . 6. the peaceful resolution of disputes, in accordance with universally recognized principles of International Law, including the 1982 United Nations Convention on the Law of the Sea (UNCLOS).'';

Whereas, in 2013, the Republic of the Philippines properly exercised its rights to peaceful settlement mechanisms with the filing of arbitration case under Article 287 and Annex VII of the Convention on the Law of the Sea in order to achieve a peaceful and durable solution to the dispute, and the United States hopes that all parties in any dispute ultimately abide by the rulings of internationally recognized dispute-settlement bodies;

Whereas China and Japan are the world's second and third largest economies, and have a shared interest in preserving stable maritime domains to continue to support economic growth;

Whereas there has been an unprecedented increase in dangerous activities by Chinese maritime agencies in areas near the Senkaku islands, including between 6 and 25 ships of the Government of China intruding into the Japanese territorial sea each month since September 2012, between 26 and 124 ships entering the ''contiguous zone'' in the same time period, and 9 ships intruding into the territorial sea and 33 ships entering in the contiguous zone in February 2014;

Whereas, although the United States Government does not take a position on the ultimate sovereignty of the Senkaku Islands, the United States Government acknowledges that they are under the administration of Japan and opposes any unilateral actions that would seek to undermine such administration;

Whereas the United States Senate has previously affirmed that the unilateral actions of a third party will not affect the United States acknowledgment of the administration of Japan over the Senkaku Islands;

Whereas the United States remains committed under the Treaty of Mutual Cooperation and Security to respond to any armed attack in the territories under the administration of Japan, has urged all parties to take steps to prevent incidents and manage disagreements through peaceful means, and commends the Government of Japan for its restrained approach in this regard;

Whereas both the United States and the People's Republic of China are parties to and are obligated to observe the rules of the Convention on the International Regulations for Preventing Collisions at Sea, done at London October 12, 1972 (COLREGs);

Whereas, on December 5, 2013, the USS Cowpens was lawfully operating in international waters in the South China Sea when a People's Liberation Army Navy vessel reportedly crossed its bow at a distance of less than 500 yards and stopped in the water, forcing the USS Cowpens to take evasive action to avoid a collision;

Whereas the reported actions taken by the People's Liberation Army Navy vessel in the USS Cowpens' incident, as publicly reported, appear contrary to the international legal obligations of the People's Republic of China under COLREGs;

Whereas, on May 1, 2014, the People's Republic of China's state-owned energy company, CNOOC, placed its deepwater semi-submersible drilling rig Hai Yang Shi You 981 (HD–981), accompanied by over 25 Chinese ships, in Block 143, 120 nautical miles off Vietnam's coastline;

Whereas, from May 1 to May 9, 2014, the number of Chinese vessels escorting Hai Yang Shi You 981 (HD-981) increased to more than 80, including seven military ships, which aggressively patrolled and intimidated Vietnamese Coast Guard ships in violation of COLREGS, reportedly intentionally rammed multiple Vietnamese vessels, and used helicopters and water cannons to obstruct others;

Whereas, on May 5, 2014, vessels from the Maritime Safety Administration of China (MSAC) established an exclusion zone with a radius of three nautical miles around Hai Yang Shi You 981 (HD-981), which undermines maritime safety in the area and is in violation of universally recognized principles of international law;

Whereas China's territorial claims and associated maritime actions in support of the drilling activity that Hai Yang Shi You 981 (HD-981) commenced on May 1, 2014, have not been clarified under international law

The preamble, as amended, was agreed to.

(The Resolution (S. Res. 412), as amended, with its preamble, as amended, reads as follows:)

S. RES. 412

Whereas Asia-Pacific's maritime domains, which include both the sea and airspace above the domains, are critical to the region's prosperity, stability, and security, including global commerce;

Whereas the United States is a longstanding Asia-Pacific power and has a national interest in maintaining freedom of operations in international waters and airspace both in the Asia-Pacific region and around the world;

Whereas for over 60 years, the United States Government, alongside United States allies and partners, has played an instrumental role in maintaining stability in the Asia-Pacific, including safeguarding the prosperity and economic growth and development of the Asia-Pacific region;

Whereas the United States, from the earliest days of the Republic, has had a deep and abiding national security interest in freedom of navigation, freedom of the seas, respect for international law, and unimpeded lawful commerce, including in the East China and South China Seas;

Whereas the United States alliance relationships in the region, including with Japan, Korea, Australia, the Philippines, and Thailand, are at the heart of United States policy and engagement in the Asia-Pacific region, and share a common approach to supporting the maintenance of peace and stability, freedom of navigation, and other internationally lawful uses of sea and airspace in the Asia-Pacific region;

Whereas territorial and maritime claims must be derived from land features and otherwise comport with international law;

Whereas the United States Government has a clear interest in encouraging and supporting the nations of the region to work collaboratively and diplomatically to resolve disputes and is firmly opposed to coercion, intimidation, threats, or the use of force;

Whereas the South China Sea contains great natural resources, and their stewardship and responsible use offers immense potential benefit for generations to come;

Whereas the United States is not a claimant party in either the East China or South China Seas, but does have an interest in the peaceful diplomatic resolution of disputed claims in accordance with international law, in freedom of operations, and in the free-flow of commerce free of coercion, intimidation, or the use of force;

Whereas the United States supports the obligation of all members of the United Nations to seek to resolve disputes by peaceful means;

Whereas freedom of navigation and other lawful uses of sea and airspace in the Asia-Pacific region are embodied in international law, not granted by certain states to others;

Whereas, on November 23, 2013, the People's Republic of China unilaterally and without prior consultations with the United States, Japan, the Republic of Korea or other nations of the Asia-Pacific region, declared an Air Defense Identification Zone (ADIZ) in the East China Sea, also announcing that all aircraft entering the PRC's self-declared ADIZ, even if they do not intend to enter Chinese territorial airspace, would have to submit flight plans, maintain radio contact, and follow directions from the Chinese Ministry of National Defense or face ''emergency defensive measures'';

Whereas the ''rules of engagement'' declared by China, including the ''emergency defensive measures'', are in violation of the concept of ''due regard for the safety of civil aviation'' under the Chicago Convention of the International Civil Aviation Organization and thereby are a departure from accepted practice;

Whereas the Chicago Convention of the International Civil Aviation Organization distinguishes between civilian aircraft and state aircraft and provides for the specific obligations of state parties, consistent with customary law, to ''refrain from resorting to the use of weapons against civil aircraft in flight and . . . in case of interception, the lives of persons on board and the safety of aircraft must not be endangered'';

Whereas international civil aviation is regulated by international agreements, including standards and regulations set by ICAO for aviation safety, security, efficiency and regularity, as well as for aviation environmental protection;

Whereas, in accordance with the norm of airborne innocent passage, the United States does not recognize the right of a coastal nation to apply its ADIZ procedures to foreign state aircraft not intending to enter national airspace nor does the United States apply its ADIZ procedures to foreign state aircraft not intending to enter United States airspace;

Whereas the United States Government expressed profound concerns with China's unilateral, provocative, dangerous, and destabilizing declaration of such a zone, including the potential for misunderstandings and miscalculations by aircraft operating lawfully in international airspace;

Whereas the People's Republic of China's declaration of an ADIZ in the East China Sea will not alter how the United States Government conducts operations in the region or the unwavering United States commitment to peace, security and stability in the Asia-Pacific region;

Whereas the Government of Japan expressed deep concern about the People's Republic of China's declaration of such a zone, regarding it as an effort to unduly infringe upon the freedom of flight in international airspace and to change the status quo that could escalate tensions and potentially cause unintentional consequences in the East China Sea;

Whereas the Government of the Republic of Korea has expressed concern over China's declared ADIZ, and on December 9, 2013, announced an adjustment to its longstanding Air Defense Identification Zone, which does not encompass territory administered by another country, and did so only after undertaking a deliberate process of consultations with the United States, Japan, and China;

Whereas the Government of the Philippines has stressed that China's declared ADIZ seeks to transfer an entire air zone into Chinese domestic airspace, infringes on freedom of flight in international airspace, and compromises the safety of civil aviation and the national security of affected states, and has called on China to ensure that its actions do not jeopardize regional security and stability;

Whereas, on November 26, 2013, the Government of Australia made clear in a statement its opposition to any coercive or unilateral actions to change the status quo in the East China Sea;

Whereas, on March 10, 2014, the United States Government and the Government of Japan jointly submitted a letter to the ICAO Secretariat regarding the issue of freedom of overflight by civil aircraft in international airspace and the effective management of civil air traffic within allocated Flight Information Regions (FIR);

Whereas Indonesia Foreign Minister Marty Natalegawa, in a hearing before the Committee on Defense and Foreign Affairs on February 18, 2014, stated, ''We have firmly told China we will not accept a similar [Air Defense Identification] Zone if it is adopted in the South China Sea. And the signal we have received thus far is, China does not plan to adopt a similar Zone in the South China Sea.'';

Whereas over half the world's merchant tonnage flows through the South China Sea, and over 15,000,000 barrels of oil per day transit the Strait of Malacca, fueling economic growth and prosperity throughout the Asia-Pacific region;

Whereas the increasing frequency and assertiveness of patrols and competing regulations over disputed territory and maritime areas and airspace in the South China Sea and the East China Sea are raising tensions and increasing the risk of confrontation;

Whereas the Association of Southeast Asian Nations (ASEAN) has promoted multilateral talks on disputed areas without settling the issue of sovereignty, and in 2002 joined with China in signing a Declaration on the Conduct of Parties in the South China Sea that committed all parties to those territorial disputes to ''reaffirm their respect for and commitment to the freedom of navigation in and over flight above the South China Sea as provided for by the universally

recognized principles of international law'' and to ''resolve their territorial and jurisdictional disputes by peaceful means, without resorting to the threat or use of force'';

Whereas ASEAN and China committed in 2002 to develop an effective Code of Conduct when they adopted the Declaration on the Conduct of Parties in the South China Sea, yet negotiations are irregular and little progress has been made;

Whereas in recent years, there have been numerous dangerous and destabilizing incidents in waters near the coasts of the Philippines, China, Malaysia, and Vietnam;

Whereas the United States Government is deeply concerned about unilateral actions by any claimant seeking to change the status quo through the use of coercion, intimidation, or military force, including the continued restrictions on access to Scarborough Reef and pressure on long-standing Philippine presence at the Second Thomas Shoal by the People's Republic of China; actions by any state to prevent any other state from exercising its sovereign rights to the resources of the exclusive economic zone (EEZ) and continental shelf by making claims to those areas that have no support in international law; declarations of administrative and military districts in contested areas in the South China Sea; and the imposition of new fishing regulations covering disputed areas, which have raised tensions in the region;

Whereas international law is important to safeguard the rights and freedoms of all states in the Asia-Pacific region, and the lack of clarity in accordance with international law by claimants with regard to their South China Sea claims can create uncertainty, insecurity, and instability;

Whereas the United States Government opposes the use of intimidation, coercion, or force to assert a territorial claim in the South China Sea;

Whereas claims in the South China Sea must accord with international law, and those that are not derived from land features are fundamentally flawed;

Whereas ASEAN issued Six-Point Principles on the South China Sea on July 20, 2012, whereby ASEAN's Foreign Ministers reiterated and reaffirmed ''the commitment of ASEAN Member States to: . . . 1. the full implementation of the Declaration on the Conduct of Parties in the South China Sea (2002); . . . 2. the Guidelines for the Implementation of the Declaration on the Conduct of Parties in the South China Sea (2011); . . . 3. the early conclusion of a Regional Code of Conduct in the South China Sea; . . . 4. the full respect of the universally recognized principles of International Law, including the 1982 United Nations Convention on the Law of the Sea (UNCLOS); . . . 5. the continued exercise of self-restraint and non-use of force by all parties; and . . . 6. the peaceful resolution of disputes, in accordance with universally recognized principles of International Law, including the 1982 United Nations Convention on the Law of the Sea (UNCLOS).'';

Whereas, in 2013, the Republic of the Philippines properly exercised its rights to peaceful settlement mechanisms with the filing of arbitration case under Article 287 and Annex VII of the Convention on the Law of the Sea in order to achieve a peaceful and durable solution to the dispute, and the United States hopes that all parties in any dispute ultimately abide by the rulings of internationally recognized dispute-settlement bodies;

Whereas China and Japan are the world's second and third largest economies, and have a shared interest in preserving stable maritime domains to continue to support economic growth;

Whereas there has been an unprecedented increase in dangerous activities by Chinese maritime agencies in areas near the Senkaku islands, including between 6 and 25 ships of the Government of China intruding into the Japanese territorial sea each month since September 2012, between 26 and 124 ships entering the ''contiguous zone'' in the same time period, and 9 ships intruding into the territorial sea and 33 ships entering in the contiguous zone in February 2014;

Whereas although the United States Government does not take a position on the ultimate sovereignty of the Senkaku Islands, the United States Government acknowledges that they are under the administration of Japan and opposes any unilateral actions that would seek to undermine such administration;

Whereas the United States Senate has previously affirmed that the unilateral actions of a third party will not affect the United States acknowledgment of the administration of Japan over the Senkaku Islands;

Whereas the United States remains committed under the Treaty of Mutual Cooperation and Security to respond to any armed attack in the territories under the administration of Japan, has urged all parties to take steps to prevent incidents and manage disagreements through peaceful means, and commends the Government of Japan for its restrained approach in this regard;

Whereas both the United States and the People's Republic of China are parties to and are obligated to observe the rules of the Convention on the International Regulations for Preventing Collisions at Sea, done at London October 12, 1972 (COLREGs);

Whereas, on December 5, 2013, the USS Cowpens was lawfully operating in international waters in the South China Sea when a People's Liberation Army Navy vessel reportedly crossed its bow at a distance of less than 500 yards and stopped in the water, forcing the USS Cowpens to take evasive action to avoid a collision;

Whereas the reported actions taken by the People's Liberation Army Navy vessel in the USS Cowpens' incident, as publicly reported, appear contrary to the international legal obligations of the People's Republic of China under COLREGs;

Whereas, on May 1, 2014, the People's Republic of China's state-owned energy company, CNOOC, placed its deepwater semi-submersible drilling rig Hai Yang Shi You 981 (HD–981), accompanied by over 25 Chinese ships, in Block 143, 120 nautical miles off Vietnam's coastline;

Whereas from May 1 to May 9, 2014, the number of Chinese vessels escorting Hai Yang Shi You 981 (HD-981) increased to more than 80, including seven military ships, which aggressively patrolled and intimidated Vietnamese Coast Guard ships in violation of COLREGS, reportedly intentionally rammed multiple Vietnamese vessels, and used helicopters and water cannons to obstruct others;

Whereas, on May 5, 2014, vessels from the Maritime Safety Administration of China (MSAC) established an exclusion zone with a radius of three nautical miles around Hai Yang Shi You 981 (HD-981), which undermines maritime safety in the area and is in violation of universally recognized principles of international law;

Whereas China's territorial claims and associated maritime actions in support of the drilling activity that Hai Yang Shi You 981 (HD-981) commenced on May 1, 2014, have not been clarified under international law, constitute a unilateral attempt to change the status quo by force, and appear to be in violation of the 2002 Declaration on the Conduct of Parties in the South China Sea;

Whereas, on January 19, 1998, the United States and People's Republic of China signed the Military Maritime Consultative Agreement, creating a mechanism for consultation and coordination on operational safety issues in the maritime domain between the United States and the People's Republic of China;

Whereas the Western Pacific Naval Symposium, inaugurated in 1988 and comprising the navies of Australia, Brunei, Cambodia, Canada, Chile, France, Indonesia, Japan, Malaysia, New Zealand, Papua New Guinea, the People's Republic of China, the Philippines, the Republic of Korea, the Russian Federation, Singapore, Thailand, Tonga, the United States, and Vietnam, whose countries all border the Pacific Ocean region, provides a forum where leaders of regional navies can meet to discuss cooperative initiatives, discuss regional and global maritime issues, and undertake exercises to strengthen norms and practices that contribute to operational safety, including protocols for unexpected encounters at sea, common ways of communication, common ways of operating, and common ways of engagement;

Whereas Japan and the People's Republic of China sought to negotiate a Maritime Communications Mechanism between the defense authorities and a Maritime Search and Rescue Agreement and agreed in principle to these agreements to address operational safety on the maritime domains but failed to sign them;

Whereas the Changi Command and Control Center in Singapore provides a platform for all the countries of the Western Pacific to share information on what kind of contact at sea and to provide a common operational picture for the region;

Whereas 2014 commemorates the 35th anniversary of normalization of diplomatic relations between the United States and the People's Republic of China, and the United States welcomes the development of a peaceful and prosperous China that becomes a responsible international stakeholder, the government of which respects international norms, international laws, international institutions, and international rules; enhances security and peace; and seeks to advance relations between the United States and China; and

Whereas ASEAN plays an important role, in partnership with others in the regional and international community, in addressing maritime security issues in the Asia-Pacific region and the Indian Ocean, including open access to the maritime domain of Asia; Now, therefore, be it

Resolved,

SECTION 1. SENSE OF THE SENATE.

The Senate—

(1) condemns coercive and threatening actions or the use of force to impede freedom of operations in international airspace by military or civilian aircraft, to alter the status quo or to destabilize the Asia-Pacific region;

(2) urges the Government of the People's Republic of China to refrain from implementing the declared East China Sea Air Defense Identification Zone (ADIZ), which is contrary to freedom of overflight in international airspace, and to refrain from taking similar provocative actions elsewhere in the Asia-Pacific region;

(3) commends the Governments of Japan and of the Republic of Korea for their restraint, and commends the Government of the Republic of Korea for engaging in a deliberate process of consultations with the United States, Japan and China prior to announcing its adjustment of its Air Defense Identification Zone on December 9, 2013, and for its commitment to implement this adjusted Air Defense Identification Zone (ADIZ) in a manner consistent with international practice and respect for the freedom of overflight and other internationally lawful uses of international airspace; and

(4) calls on the Government of the People's Republic of China to withdraw its Hai Yang Shi You 981 (HD–981) drilling rig and associated maritime forces from their current positions, to refrain from maritime maneuvers contrary to COLREGS, and to return immediately to the status quo as it existed before May 1, 2014.

SEC. 2. STATEMENT OF POLICY.

It is the policy of the United States to—

(1) reaffirm its unwavering commitment and support for allies and partners in the Asia-Pacific region, including longstanding United States policy regarding Article V of the United States-Philippines Mutual Defense Treaty and that Article V of the United States-Japan Mutual Defense Treaty applies to the Japanese-administered Senkaku Islands;

(2) oppose claims that impinge on the rights, freedoms, and lawful use of the sea that belong to all nations;

(3) urge all parties to refrain from engaging in destabilizing activities, including illegal occupation or efforts to unlawfully assert administration over disputed claims;

(4) ensure that disputes are managed without intimidation, coercion, or force;

(5) call on all claimants to clarify or adjust claims in accordance with international law;

(6) support efforts by ASEAN and the People's Republic of China to develop an effective Code of Conduct, including the ''early harvest'' of agreed-upon elements in the Code of Conduct that can be implemented immediately;

(7) reaffirm that an existing body of international rules and guidelines, including the International Regulations for Preventing Collisions at Sea, done at London October 12, 1972 (COLREGs), is sufficient to ensure the safety of navigation between the United States Armed Forces and the forces of other countries, including the People's Republic of China;

(8) support the development of regional institutions and bodies, including the ASEAN Regional Forum, the ASEAN Defense Minister's Meeting Plus, the East Asia Summit, and the expanded ASEAN Maritime Forum, to build practical cooperation in the region and reinforce the role of international law;

(9) encourage the adoption of mechanisms such as hotlines or emergency procedures for preventing incidents in sensitive areas, managing them if they occur, and preventing disputes from escalating;

(10) fully support the rights of claimants to exercise rights they may have to avail themselves of peaceful dispute settlement mechanisms;

(11) encourage claimants not to undertake new unilateral attempts to change the status quo since the signing of the 2002 Declaration of Conduct, including not asserting administrative measures or controls in disputed areas in the South China Sea;

(12) encourage the deepening of partnerships with other countries in the region for maritime domain awareness and capacity building, as well as efforts by the United States Government to explore the development of appropriate multilateral mechanisms for a ''common operating picture'' in the South China Sea that would serve to help countries avoid destabilizing behavior and deter risky and dangerous activities; and

(13) assure the continuity of operations by the United States in the Asia-Pacific region, including, when appropriate, in cooperation with partners and allies, to reaffirm the principle of freedom of operations in international waters and airspace in accordance with established principles and practices of international law.

SEC. 3. RULE OF CONSTRUCTION.

Nothing in this resolution shall be construed as a declaration of war or authorization to use force.

HEALTH CARE

Mr. REID. Mr. President, I want to take just a little bit of time to say a few things about the health care bill. The shrill cries from the other side have lessened in recent weeks, and obviously for good reason. The New York Times reports today—I won't read the whole column but I will read quite a bit.

It says less than ''15 percent of adults younger than 65 now lack health insurance, down from 20 percent before the Affordable Care Act rolled out in January.''

In fact, we have information from the Gallup organization today that came out after this New York Times article that the rate is down to 13.4 percent. It is the lowest quarterly average recorded since Gallup began tracking the percentage of uninsured Americans. That is pretty good.

The Gallup poll says:

The uninsured rate has decreased sharply since the Affordable Care Act's requirement for most Americans to have health insurance went into effect beginning 2014.

So in the fourth quarter of 2013 the average was 17.1 percent, and now it is down to 13.4. This is remarkable.

Carrying on with the information from the New York Times, people who got new coverage—we heard all the cries about how upset people were with the new health insurance, but they are very happy with the new product; 73 percent of the people who bought health care plans and 80 percent of those who signed up for Medicaid said they were either very satisfied or somewhat satisfied. That is 73 percent with their new health insurance; 74 percent of newly insured Republicans like their plans; 77 percent of people who had insurance before, including members of the much-publicized group whose plans got cancelled last year, were happy with their new coverage.

A survey also said that a majority of people are using their new insurance. They like it. They are glad they have it.

People who have the insurance are going to a doctor, they are going to the hospital, and most people seeking new primary care doctors found the process easy and had to wait less than 2 weeks for an appointment. Sixty percent said they wouldn't have been able to afford the care without the new coverage.

These statistics are really staggering.

The article closes by saying:

There is a reason to think that the good feelings may linger. . . . An Associated Press poll in January found that 73 percent of all Americans with insurance before the rollout of the law were satisfied.

So we are doing overall very well. My Republican colleagues come to the floor and say: Oh, this is just awful, people are so upset.

It simply is not true.

This is not my opinion. It is statistics and facts.

ORDERS FOR MONDAY, JULY 14, 2014

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, July 14, 2014; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 6 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. There will be no rollcall votes during Monday's session of the Senate. The next rollcall vote will begin at 12 noon on Tuesday, July 15, 2014. Those will be cloture votes on the Bay and LaFleur nominations to be members of the Federal Energy and Regulatory Commission.

ADJOURNMENT UNTIL MONDAY, JULY 14, 2014, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:53 p.m., adjourned until Monday, July 14, 2014, at 2 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 10, 2014:

DEPARTMENT OF STATE

DOUGLAS ALAN SILLIMAN, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF KUWAIT.

DANA SHELL SMITH, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF QATAR.

EXECUTIVE OFFICE OF THE PRESIDENT

SHAUN L. S. DONOVAN, OF NEW YORK, TO BE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.